



City of Tualatin

# TUALATIN CITY COUNCIL

Monday, August 12, 2013

**CITY COUNCIL CHAMBERS**  
**18880 SW Martinazzi Avenue**  
**Tualatin, OR 97062**

**WORK SESSION** begins at **5:45 p.m.**  
**BUSINESS MEETING** begins at 7:00 p.m.

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**Mayor Lou Ogden**

**Council President Monique Beikman**

**Councilor Wade Brooksby      Councilor Frank Bubenik**

**Councilor Joelle Davis          Councilor Nancy Grimes**

**Councilor Ed Truax**

**Welcome!** By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Announcements, 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 City website at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings), the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at [www.tvctv.org](http://www.tvctv.org). Council meetings can also be viewed by live *streaming video* on the day of the meeting at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings).

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

## 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. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished 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, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

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

## TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

## EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) 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) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR AUGUST 12, 2013

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### A. CALL TO ORDER

Pledge of Allegiance

### B. ANNOUNCEMENTS

1. Representative Parrish Recognizes Tualatin's Centennial Anniversary
2. Centennial Celebration Update
3. YAC Update for August 2013
4. Tualatin Tomorrow Vision Plan Update

### 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

*The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.*

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on July 22, 2013
2. Consideration of Approval of a New Liquor License Application for King Estate Winery
3. Consideration **Resolution No. 5159-13** Awarding the Bid for the Operations Warehouse and Related Site Work to TS Gray Construction and Authorizing the Mayor and City Manager to Execute the Contract
4. Consideration of **Resolution No. 5161-13** Awarding the Bid for the SW Boones Ferry Road Waterline Project and authorizing the Mayor and City Manager to Execute the Contract
5. Consideration of Authorization for the Mayor to Sign an Addendum to the Basalt Creek Intergovernmental Agreement (IGA)

6. Consideration of **Resolution No. 5162-13** Authorizing the City Manager to Execute Contracts for Commissions of Public Art at Tualatin Commons Park and the Library to Commemorate Tualatin's 100th Anniversary of Incorporation

**E. SPECIAL REPORTS**

1. Quarterly Financial Update

**F. PUBLIC HEARINGS – *Legislative or Other***

**G. PUBLIC HEARINGS – *Quasi-Judicial***

1. Petition Requesting Annexation of Property at 17905 SW Pacific Hwy. (Tax Map 2S15C, Tax Lot 2200) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-01)

**H. GENERAL BUSINESS**

1. Consideration of **Resolution No. 5160-13** Authorizing Execution of an Annexation Agreement With the Estate of Loretta Garcia to Govern Annexation of .62 Acres of Land Located at 17905 SW Pacific Hwy (Tax Map 2S1 15C Tax Lot 2200)

**I. 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.*

**J. COMMUNICATIONS FROM COUNCILORS**

**K. ADJOURNMENT**

**City Council Meeting**

**B. 1.**

**Meeting Date:** 08/12/2013

**ANNOUNCEMENTS:** Representative Parrish Recognizes Tualatin's Centennial Anniversary

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**ANNOUNCEMENTS**

Representative Parrish Recognizes Tualatin's Centennial Anniversary

**SUMMARY**

Tualatin is celebrating its 100th anniversary of incorporation throughout 2013. Tualatin's representatives in the Oregon House and Senate, Representative Julie Parrish and Senator Richard Devlin, co-sponsored House Concurrent Resolution 19 recognizing this historic occasion in Tualatin. Representative Parrish will offer her congratulations to the people of Tualatin.

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**Attachments**

HCR 19

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**Enrolled**  
**House Concurrent Resolution 19**

Sponsored by Representative PARRISH, Senator DEVLIN

Whereas Native Americans have resided in the Tualatin River Basin, home to the Atfalati Tribe, for thousands of years; and

Whereas on September 27, 1850, the Congress of the United States passed the Donation Land Claim Act whereby United States citizens could earn land title through cultivation of the land, and between 1850 and 1853 some 30 families settled in the Tualatin River Basin area; and

Whereas the first town plat was drawn in 1887 around a new railroad line, and the settlement was named Tualatin; and

Whereas the City of Tualatin was incorporated in 1913; and

Whereas the City of Tualatin has grown in population from approximately 150 residents at the time of incorporation to 26,120 in its centennial year; and

Whereas the City of Tualatin has grown to become a community of engaged citizens, with a diverse and robust economy, beautiful parks and natural areas and a high quality of life for its residents; and

Whereas residents of the City of Tualatin are urged to learn more about the city's past, to make positive contributions in the present and to help leave a healthy legacy for the city's future; and

Whereas the City of Tualatin, Mayor Lou Ogden, City Council President Monique Beikman, Councilors Wade Brooksby, Frank Bubenik, Joelle Davis, Nancy Grimes and Ed Truax and the Tualatin Chamber of Commerce encourage all Oregon residents to participate in the City of Tualatin's Centennial Celebration, a year-long array of programs and activities to recognize the city's 100th anniversary; now, therefore,

**Be It Resolved by the Legislative Assembly of the State of Oregon:**

That we, the members of the Seventy-seventh Legislative Assembly, commemorate the occasion of the 100th anniversary of the founding of the City of Tualatin and extend our gratitude and best wishes to those who live in and serve the City of Tualatin.

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Adopted by House May 21, 2013

*Ramona J. Line*  
\_\_\_\_\_  
Ramona J. Line, Chief Clerk of House

*Tina Kotek*  
\_\_\_\_\_  
Tina Kotek, Speaker of House

*Peter Courtney*  
\_\_\_\_\_  
Adopted by Senate June 13, 2013

Peter Courtney, President of Senate

**City Council Meeting**

**B. 2.**

**Meeting Date:** 08/12/2013

**ANNOUNCEMENTS:** Centennial Celebration

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**ANNOUNCEMENTS**

Centennial Celebration Update

**SUMMARY**

Announcing the Centennial Commemorative Coin and the encore performance of You Are There!, the play that presents the social forces that shaped the battle for Tualatin's future.

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**Attachments**

[Centennial Celebration Update](#)

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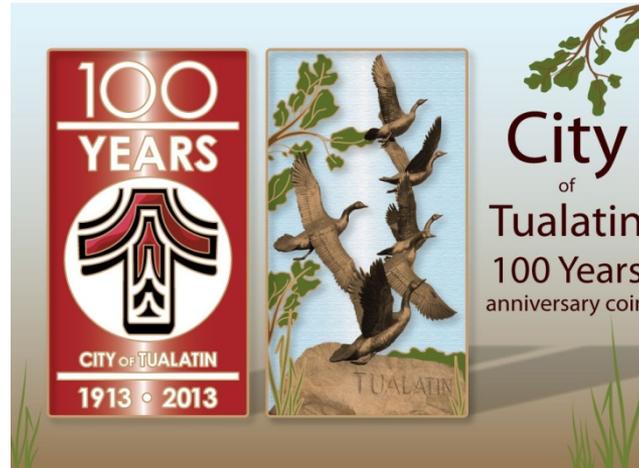


**City of Tualatin**  
**Centennial Celebration**  
**1913-2013**



# Tualatin's Centennial Celebration

## Centennial Commemorative Coin



## You Are There!

An encore presentation of a play depicting the fight between the Anti-Saloon League and incorporation enthusiasts in the battle to decide Tualatin's future.

Sunday, August 18

2:00pm

Winona Grange

8340 SW Seneca Street



**City Council Meeting**

**B. 3.**

**Meeting Date:** 08/12/2013

**ANNOUNCEMENTS:** Tualatin Youth Advisory Council Update

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**ANNOUNCEMENTS**

YAC Update for August 2013

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**Attachments**

A. YAC Update

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August 12, 2013

# TUALATIN YOUTH ADVISORY COUNCIL

# Tualapalooza 2013

Tualatin Youth Advisory Council presents:

## TUALAPALOOZA 2013

**Cash cube!**

**Henna tattoos!**

**Bounce House!**

**Giant  
inflatable  
boxing!**

**Games!**

**Prizes!**

**Food!**



**FRIDAY, AUGUST 9, 2013**

**6:30PM - 9:30PM**

**TUALATIN COMMUNITY PARK**

**FREE ADMISSION, BRING CASH FOR  
ACTIVITIES**



- Teen Party in the Park
- Friday, August 9, 6:30-9:30pm
- Tualatin Community Park
- Part of Tualatin Crawfish Festival

*Tualatin YAC – Youth Participating in Governance*

# New Member Recruitment

- Deadline for applications is September 27<sup>th</sup>
- YAC will be reviewing applications and conducting interviews
- Excited to get new members on board!



# Movies on the Commons



- Saturday nights at sunset
- Special Pre-movie entertainment in honor of Tualatin's Centennial
- Thank you sponsors:
  - Azimuth Communications
  - Us World Class TaeKwonDo
  - Tualatin Chamber of Commerce

# Movies on the Commons

- August 17      Flubber
- August 24      Enchanted
- August 31      The Avengers (at Ibach Park)



# Coming Soon!

- Results from Youth Survey
- West Coast Giant Pumpkin Regatta
  - Saturday, October 19, 2013
- Haunted House
  - Wednesday – Saturday, October 23 - 26
- National League of Cities, Seattle WA
  - November 13-16, 2013

**City Council Meeting**

**B. 4.**

**Meeting Date:** 08/12/2013

**ANNOUNCEMENTS:** Tualatin Tomorrow Vision Plan Update

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**ANNOUNCEMENTS**

Tualatin Tomorrow Vision Plan Update

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# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 08/12/2013

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on July 22, 2013

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve minutes from the City Council Work Session and Regular Meeting on July 22, 2013.

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** [City Council Work Session Minutes of July 22, 2013](#)  
[City Council Meeting Minutes of July 22, 2013](#)



## OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 22, 2013

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Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Engineering Manager Kaaren Hofmann; Management Analyst Ben Bryant; Public Works Director Jerry Postema

### CALL TO ORDER

Mayor Ogden called the meeting to order at 5:45 p.m.

#### 1. ***Council Building Relocation Feasibility Study***

Deputy City Manager Sara Singer presented the Council Building Relocation Feasibility Study. She stated that four options including relocation, rental spaces, examining existing city buildings, and a no build option would be presented.

Taryn Mudge and Hussein Mirza of SRG Partnership, Inc. presented the relocation option for the Council Building. SRG presented three possible locations and narrowed the locations to one best option. They presented issues relating to space needed, parking requirements, and construction costs and schedules.

Deputy City Manager Singer presented potential rental sites based on space assumptions developed by SRG. Based on the financial projections, the cost of renting space is not a sustainable option over the long-term. She also presented the relocation to existing city buildings. The options presented for use of existing buildings could be sustained over the short-term, but these options would have service impacts which would not be sustainable for the long term.

Engineering Manager Kaaren Hofmann and Assistant City Manager Alice Rouyer presented the traffic impact studies for a no build option. They reviewed the various traffic scenarios at the site including the Seneca Street extension and not including the extension to determine the traffic impacts for the City buildings and the new development. It was determined that completing the Seneca Street extension is the best option in regards to transportation.

Finance Director Don Hudson presented the financial analysis. He presented issues relating to the financial impacts and service impacts for each option, as well as potential funding options.

Council forwarded discussing next steps on this project until after the Nyberg Rivers public hearing tonight.

**2. Community Survey Results**

Deputy City Manager Sara Singer presented the 2013 Tualatin Community Survey results. The City contracted with National Research Center's National Citizen Survey to conduct a statistically valid survey to assess resident opinions about the community and services provided by the City. She presented the highlights of the survey and how Tualatin's results compared to other cities.

The results of the survey are available for the community to review on the website. An article highlighting the survey results will be featured in the August Tualatin Today newsletter. The City will be producing a Tualatin Community Attitudes Report that will be available soon.

**3. Council Meeting Agenda Review, Communications & Roundtable**

Mayor Ogden stated that he was prepared to remove the Basalt Creek IGA from the consent agenda as citizen questions have arisen regarding this item. He also requested that the Council move the general business item regarding the solid waste and recycling adjustment to before the public hearings on tonight's agenda.

Councilor Bubenik attended the Washington County Commission on Children and Families meeting stating that they have now transitioned to the Oregon Department of Human Services. He also noted that Councilor Grimes and himself attended the Centennial Art Selection Committee meeting where one sculpture and one art piece have been selected.

Mayor Ogden noted that he attended the final SW Corridor meeting and recommendations from that group will be coming back to Council at a future meeting.

**ADJOURNMENT**

The work session adjourned at 6:40 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Lou Ogden, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 22, 2013

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Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Engineering Manager Kaaren Hofmann; Engineer Associate Tony Doran; Program Coordinator Kathy Kaatz; Senior Planner Will Harper; Management Analyst Ben Bryant; Public Works Director Jerry Postema

### **A. CALL TO ORDER**

Pledge of Allegiance

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

### **B. ANNOUNCEMENTS**

#### **1. SW Martinazzi Avenue Construction Update**

Engineering Manager Kaaren Hofmann announced that construction is set to begin August 5-12 on the Martinazzi Avenue project with a completion date of October 15. Martinazzi Avenue will be close August 12 through September 12. Variable signage will be in place directing customers to local businesses during construction.

### **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.*

Grant Yoakum, Tualatin Chamber of Commerce Board Chair-elect, read a press release stating that the Chamber will pass on the responsibilities of the Tualatin Crawfish Festival in 2014. Mayor Ogden thanked the Chamber for running the Crawfish Festival successfully for the last 25 years.

**D. CONSENT AGENDA**

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

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt the consent agenda as ammended.

**Vote:** 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on July 8, 2013.
2. Consideration of Resolution No. 5157-13 Awarding the Bid for the School Zone Signage Update Project
3. Consideration of Resolution No. 5156-13 Awarding the Bid for the SW Martinazzi Avenue Reconstruction Project

**E. SPECIAL REPORTS**

**F. PUBLIC HEARINGS – Legislative or Other**

**G. PUBLIC HEARINGS – Quasi-Judicial**

1. Consideration of a Central Urban Renewal District Master Plan for the Nyberg Rivers Shopping Center Development located at 7455-7925 SW Nyberg Street (Tax Map (2S124A 2700--2S124A 1601,1602, 1900, 2502, 2506, 2507, 2700/ 2S124B 2000, 2001, 2100) in the Central Commercial (CC), Commercial Office (CO) and High-Density Residential (RH) Planning Districts and Central Urban Renewal District Blocks 1-5.

Mayor Ogden opened the Master Plan Hearing. He read the rules of the hearing in accordance with ORS 107.763(5) and (6) and ORS 197.796(3)(b).

Council President Beikman disclosed that she had ex-parte contact during a Tualatin Tomorrow meeting, at a dinner party, and during a car ride. She stated that she can stay impartial on the issue.

Councilor Truax disclosed that he chaired the meeting of the Architectural Review Board where the project was discussed.

Assistant City Manager Alice Rouyer and Planning Manager Aquilla Hurd-Ravich presented the Nyberg Rivers Master Plan. Planning Manager Hurd-Ravich gave a brief overview of the master plan and the process to date. The Central Urban Renewal District (CURD) goals were reviewed as this application needs to meet these goals. She reviewed the application and the proposed conditions of approval. Conditions in Goal 1, 4, 5, 6, and 11 were highlighted. The next steps include a

public hearing on the conditional use permit, architectural review and hearing, and a building permit application before construction can begin.

Applicant, Fred Brunning, CEO of CenterCal Properties presented the proposed Nyberg Rivers application. Mr. Brunning presented the design vision, pedestrian connections, and offsite transportation improvements to the development. He noted that all of the retailers will be new to the area with Cabela's being the anchor store. The development will consist of a grocery store, gym, retail shops, and several new restaurants. He emphasized the desire to complete the trail connections to allow public access to the area. The applicant invited Steve Krajewski, Cabela's representative, to speak to the design of their facility. Mr. Krajewski entered several items into the record including a letter and updated drawings.

The Architectural Review Board (ARB), represented by Chair Skip Stanaway, John Howorth, Mike Ward, and Terry Novak, presented the summary discussion regarding the proposed plan from their meeting held June 19, 2013. Recurring themes included gateway development, automobile access and connections, pedestrian and bike access, landscaping, plazas, public spaces, architecture, and Tualatin River integration.

Tualatin Parks Advisory Committee (TPARK) Chair Dennis Wells and committee member Connie Ledbetter presented the summary discussion regarding the proposed plan from their meeting held June 18, 2013. Discussions centered on CURD goals 9 and 6. Other comments included parking lot trees and storm water runoff.

## **PUBLIC COMMENT**

### Comment in Support:

Cathy Holland supports the project and feels that this development is a better use of the property and will be a great gateway to Tualatin. She asked for the Council to approve the master plan tonight.

### Comment in Opposition:

Steve Pfeiffer requested a continuance of the hearing. He submitted a letter with concerns for the record.

### Neutral Comments:

Joe Lipscomb requested that a condition of approval be included that would address unobstructed walkways and guidelines in relation to the Tualatin River Greenway.

Ed Casey stated that he is glad for the opportunity to change Tualatin's image through this development. He expressed concerns with the tree removal on the site, lack of water features, and lack of a "wow" factor for the entrance.

Arne Nyberg is excited about the positive economic impact this will have for the City.

## **COUNCIL QUESTIONS**

The Council decided to work through each CURD goal individually and skip over goals 1 and 5 regarding commercial development and traffic and transportation to spend more time on them at the end of the discussion.

#### Goal 2 Housing

Mayor Ogden asked how they meet this condition of approval. Planning Manager Hurd-Ravich responded that they are including shared pathways to residential areas.

Councilor Truax asked if the apartment complex were the pathways lead have been included in this discussion. Assistant City Manager Rouyer stated that there have been informal discussions with the owners.

#### Goal 3 Industrial Development

The Goal is not applicable to the proposed Nyberg Rivers Master Plan.

#### Goal 4 Civic Development

Councilor Grimes asked how much of the sidewalks would be used for displays. The Applicant responded that displays are seasonal and vary in size and accommodate for pedestrian access.

Councilor Grimes also expressed concerns in regards to pedestrian safety in the area. The Applicant responded that they can add extra features such as raised crossings, pavers, stop signs and flashing lights.

#### Goal 6 Pedestrian and Bikeways

Councilor Davis expressed concerns with condition b and the reduction of the sidewalk from 12' to 6' due to the volume of traffic. The applicant clarified that there would be 6' sidewalk and a 5' bike lane. Council President Beikman stated that she would still like to see a 12' sidewalk because that is what is currently there and citizens are comfortable with this size.

#### Goal 7 Transit

Does not apply to the Master Plan.

#### Goal 8 Utilities

Council asked questions in regards to the storm water drainage system that will be put in place. Questions centered on the mechanical system, asphalt, and bioswale treatment.

#### Goal 9 Parks

The proposal meets the intent of this Goal with conditions a-c listed in Goal 6.

#### Goal 10 Flood Protection

The Council had nothing to add.

#### Goal 11 Design Considerations

Councilor Davis expressed concerns over an additional drive-thru in the area and the potential traffic impacts it may have. Councilor Grimes expressed concerns regarding the additional drive-thru as well, but in relation to its impact on a "leisurely neighborhood" feel.

The Council took a break at 9:55 p.m. and returned at 10:05 p.m.

Council discussed the proposed diamond planters and the removal and replacement of current trees on the development.

Mayor Ogden continued the hearing to a special meeting to be held on Wednesday, August 7th.

2. Consideration of a Conditional Use Permit for the Nyberg Rivers Development to Allow Retail Uses in a Commercial Office (CO) Planning District and Outside Storage and Sales in a Central Commercial (CC) Planning District at 7055-7463 SW Nyberg Street (2S124A 2700--2S124A2100 and 2S124B2507) (CUP-13-04)

This item has been continued to the Special City Council meeting on August 7, 2013.

## **H. GENERAL BUSINESS**

1. Consideration of Resolution No. 5154-13 Authorizing Solid Waste and Recycling Rate Adjustment and Rescinding Resolution 5038-11

Public Works Director Jerry Postema, Program Coordinator Kathy Kaatz, and General Manager of Republic Services Dereck Ruckman presented the proposed solid waste and recycling rate adjustment. Director Postema stated that Republic Services is requesting a 3.1% aggregate rate adjustment to be effective July 1, 2013. He noted that they have met all the City requirements to request such an increase. Mr. Ruckman thanked the City for continuing to contract with Republic Services for City disposal services. He stated that Republic Services has done their best to absorb increases without reducing service levels, but with the cost of vehicle replacements in the near future they are requesting a rate increase.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to adopt Resolution No. 5154-13 authorizing solid waste and recycling rate adjustment and rescinding Resolution No. 5038-11.

**Vote:** 7 - 0 MOTION CARRIED

## **I. 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.*

1. Authorization for the Mayor to Sign an Addendum to the Basalt Creek Intergovernmental Agreement (IGA)

This item has been removed from the consent agenda and will be addressed at a future meeting.

## **J. COMMUNICATIONS FROM COUNCILORS**

**K. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 10:34 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Lou Ogden, Mayor



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 08/12/2013

**SUBJECT:** Consideration of Approval of a New Liquor License Application for King Estate Winery

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### **ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve a new liquor license application for King Estate Winery.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license application for King Estate Winery.

### **EXECUTIVE SUMMARY:**

King Estate Winery has submitted a new liquor license application under the category of Winery. They must principally produce wine or cider in Oregon. They can manufacture, store, and export wine and cider. This allows for the sale and service of malt beverages, wine, and cider for off-site consumption. The business is located at 19550 SW Cipole Road. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

### **FINANCIAL IMPLICATIONS:**

A fee has been paid by the applicant.

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**Attachments:** [Attachment A- Vicinity Map](#)  
[Attachment B- License Types](#)

Attachment C- Application

King Estate Winery



SW CIPOLE RD

SW 129TH AVE



Attachment A  
Vicinity Map

## OREGON LIQUOR CONTROL COMMISSION

### LICENSE TYPES

#### FULL ON-PREMISES SALES

- **Commercial Establishment**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**  
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**  
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**  
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

#### LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

#### OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

#### BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

#### WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



JUL 18 2013

CITY OF TUALATIN  
LIQUOR LICENSE APPLICATION

MAYOR \_\_\_\_\_ COUNCIL \_\_\_\_\_ POLICE \_\_\_\_\_ ADM \_\_\_\_\_  
FINANCE \_\_\_\_\_ COMM DEV \_\_\_\_\_ LEGAL \_\_\_\_\_ OPER \_\_\_\_\_  
COMM SVCS \_\_\_\_\_ ENG & BLDG \_\_\_\_\_ LIBRARY \_\_\_\_\_

Date 6-28-2013

**IMPORTANT:** This is a three-page form. You are required to complete all sections of the form.

If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.

Thank you for your assistance and cooperation.

**SECTION 1: TYPE OF APPLICATION**

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # \_\_\_\_\_
- Temporary License - \$35.00 Application Fee.

**SECTION 2: DESCRIPTION OF BUSINESS**

Name of business (dba): King Estate Winery

Business address 19550 SW Cipole Rd City Tualatin State OR Zip Code 97062

Mailing address 80854 Territorial Hwy City Eugene State OR Zip Code 97405

Telephone # 541 942 9874 Fax # 541 942 9867

Name(s) of business manager(s) First Edward Middle James Last King

Date of birth \_\_\_\_\_ Social Security # \_\_\_\_\_ ODL# \_\_\_\_\_ M  F \_\_\_\_\_

Home address \_\_\_\_\_ City Eugene State OR Zip Code 97405  
(attach additional pages if necessary)

Type of business Winery

Type of food served None

Type of entertainment (dancing, live music, exotic dancers, etc.) None

Days and hours of operation M-F 8a-5pm : Not open to the public

Food service hours: Breakfast NA Lunch NA Dinner NA

Restaurant seating capacity NA Outside or patio seating capacity NA

How late will you have outside seating? NA How late will you sell alcohol? NA

How many full-time employees do you have? 2 seasonal Part-time employees? \_\_\_\_\_

**SECTION 3: DESCRIPTION OF LIQUOR LICENSE**

Name of Individual, Partnership, Corporation, LLC, or Other applicants King Estate Winery LP

Type of liquor license (refer to OLCC form) Winery

Form of entity holding license (check one and answer all related applicable questions):

**INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

**PARTNERSHIP:** If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.  
Full name see attached Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

**CORPORATION:** If this box is checked, complete (a) through (c).  
(a) Name and business address of registered agent.  
Full name \_\_\_\_\_  
Business address \_\_\_\_\_

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

(c) Are there more than 35 shareholders of this corporation? Yes \_\_\_\_\_ No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.  
Full name of president: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_  
Full name of treasurer: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_  
Full name of secretary: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

**LIMITED LIABILITY COMPANY:** If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.  
Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

Full name: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
Residence address: \_\_\_\_\_

**OTHER:** If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

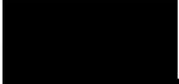
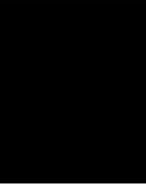
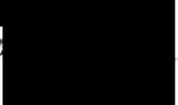
**SECTION 4: APPLICANT SIGNATURE**

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

Sign  Date 6-28-13

**For City Use Only**

Sources Checked:

DMV by   LEDS by   TuPD Records by   
 Public Records by 

Number of alcohol-related incidents during past year for location.  
 Number of Tualatin arrest/suspect contacts for \_\_\_\_\_

**It is recommended that this application be:**

**Granted**

**Denied**

Cause of unfavorable recommendation: \_\_\_\_\_



7/26/13  
Date

Kent W. Barker  
Chief of Police  
Tualatin Police Department

**King Estate Winery, LP  
Owner Information**

<i>Last Name</i>	<i>First Name</i>	<i>DOB</i>	<i>Social Security Number</i>	<i>% Owned</i>	<i>Address</i>	<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Title</i>	<i>Telephone</i>
King, III	Edward James			30.3714%		Eugene	OR	97405	Limited Partner	
King Theis	Mary Michelle			30.2520%		Mission Hills	KS	66208	Limited Partner	
King	Carolyn Gay			16.6614%		Eugene	OR	97405	Limited Partner	
Taggart	Shannon I			4.9869%		Eugene	OR	97401	Limited Partner	
Innes	Elizabeth Mather			1.5748%		Kansas City	MO	64111	Limited Partner	
Innes	Hailey Katherine			1.5748%		Dallas	TX	75206	Limited Partner	
Innes	Patrick Wade			1.5748%		Kansas City	MO	64113	Limited Partner	
Innes	Michael Stephenson			1.5748%		Kansas City	MO	64113	Limited Partner	
Young	James David			1.5748%		Corvallis	OR	97330	Limited Partner	
King	Taylor Crandall			1.4698%		Portland	OR	97209	Limited Partner	
King	Joseph McHargue			1.4698%		Eugene	OR	97405	Limited Partner	
King	Edward Justin			1.4554%		Brooklyn	NY	11201	Limited Partner	
Theis	Charles Whitney			1.4698%		Mission Hills	KS	66208	Limited Partner	
Theis	Mary Christina			1.4698%		Mission Hills	KS	66208	Limited Partner	
Theis	Sarah Catherine			1.4698%		Mission Hills	KS	66208	Limited Partner	
King Estate Winery, LLC				1.0499%		Eugene	OR	97405	General Partner	
				100.000%						

**City Council Meeting**

**D. 3.**

**Meeting Date:** 08/12/2013

**CONSENT AGENDA:** Resolution No. 5159-13 Awarding the Bid for the Warehouse and Related Site Work

**CONSENT AGENDA**

Consideration **Resolution No. 5159-13** Awarding the Bid for the Operations Warehouse and Related Site Work to TS Gray Construction and Authorizing the Mayor and City Manager to Execute the Contract

**SUMMARY**

This resolution is to award the bid for the Operations Warehouse and Related Site Work Project. Major items of work for the Warehouse and Related Site Work project consists of: Construction of a single story, slab on grade 12,870, gross square foot warehouse building, which is an addition to the existing Fleet Building within the Operations Center site. The total bid amount to be awarded is \$1,801,385 based upon the deduction of Alternate #4 in the amount of \$42,752.00.

This project was advertised in the Daily Journal of Commerce on June 10 and 17 with bids being opened on Tuesday, July 11, 2013 at 2:00 p.m. There were six (6) responsible bidders as follows:

Bidders	Bid Amount
TS Gray Construction, LLC	\$1,844,137.00
Brockamp & Jaeger, Inc	\$1,896,500.00
JWC Construction	\$1,948,773.00
Todd Construction	\$2,205,000.00
First Cascade Corp.	\$2,150,365.00
Russell Construction	\$2,537,301.00

Staff reviewed and evaluated the three lowest bids and found TS Gray, Construction, LLC to be the lowest responsible bidder. One bidder was declared non-responsive.

The engineer's estimate was \$2,000,000. TS Gray Construction, LLC is the lowest, responsible bidder. Awarding this contract will result in construction of the warehouse and other related site work.

The procurement process complied with the City of Tualatin public contracting requirements. Adoption of Resolution 5159-13 will award the bid to TS Gray Construction, LLC in the amount of \$1,801,385 and authorize the Mayor and City Manager to execute the contract between the City and TS Gray Construction, LLC. The Resolution also allows for the City Manager to be authorized to execute Change Orders of up to 10% of the total contract.

## Attachments

A - Resolution 5159-13

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RESOLUTION NO.     No. 5159-13    

RESOLUTION AWARDING BID FOR OPERATIONS WAREHOUSE AND RELATED SITE WORK AND AUTHORIZE MAYOR AND CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, the Operations Warehouse and Related Site Work project was advertised in the *Daily Journal of Commerce* on June 10 & 17; and

WHEREAS, bids were received prior to the close of the bid period on July 11, 2013; and

WHEREAS, TS Gray Construction, LLC submitted the lowest, responsible bid for the project in the amount of \$1,801,385; and

WHEREAS, the procurement complied with the City's public contracting requirements; and

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

Section 1. The contract is awarded to TS Gray Construction, LLC.

Section 2. The Mayor and City Manager are authorized to execute a contract with TS Gray Construction, LLC in the amount of \$1,801,385.00, which is the bid amount less \$42,752.00 for Alternate #4.

Section 3. The City Manager is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 12th day of August, 2013.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

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



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** Kaaren Hofmann, Engineering Manager  
Alice Rouyer, Assistant City Manager

**DATE:** 08/12/2013

**SUBJECT:** Consideration of **Resolution No. 5161-13** Awarding the Bid for the SW Boones Ferry Road Waterline Project and authorizing the Mayor and City Manager to Execute the Contract

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### ISSUE BEFORE THE COUNCIL:

Awarding the SW Boones Ferry Road Waterline project to CivilWorks NW.

### RECOMMENDATION:

Staff recommends that this project be awarded to CivilWorks NW for \$242,375.

### EXECUTIVE SUMMARY:

This resolution is to award the bid for the SW Boones Ferry Road Waterline project. The scope of this project includes upsizing the existing asbestos concrete water line in SW Boones Ferry Road from SW Sagert Street to SW Mohawk from a 6" water line to a 8" water line.

The bids for this project were opened on Wednesday, July 24 at 2:00 p.m. The following firms submitted bids:

CivilWorks NW	\$242,375.00
Dave Roberts Contracting	\$244,010.00
Jim Smith Excavating	\$307,394.00
Jeff Kersey Construction	\$308,861.50
3 Kings Environmental	\$323,936.00
Kodiak Pacific Construction	\$331,931.00

The engineer's estimate was \$175,000. The biggest differences in costs were mobilization, traffic control and pipe costs. The engineer's estimate was too low for these project elements.

CivilWorks NW was the lowest responsible bidder at \$242,375.

The procurement complies with public contracting rules.

**OUTCOMES OF DECISION:**

Awarding of the contract will result in the following:

1. The proposed project will be constructed.

Not awarding the contract will result in the following:

1. All work on the project will stop until a contractor selection is made.

**FINANCIAL IMPLICATIONS:**

Even though the bid price is higher than the engineer's estimate, adequate funds are available in the Water Development Fund to construct this project.

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**Attachments:**    Resolution No. 5161-13

RESOLUTION NO. 5161-13

RESOLUTION AWARDING THE BID FOR THE SW BOONES  
FERRY ROAD WATERLINE PROJECT

WHEREAS, THE City advertized the Boones Ferry Road Waterline Project in the *Daily Journal of Commerce* on July 1, 10 and 15, 2013; and

WHEREAS, the City received six bids prior to the deadline of July 24, 2013; and

WHEREAS CivilWorks NW submitted the lowest responsible bid for the project in the amount of \$242,375.00; and

WHEREAS funds are available for this project in the Water Development Fund;  
and

WHEREAS, the procurement complied with the City's public contracting requirements;

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

Section 1. The contract for the SW Boones Ferry Road Waterline Project is awarded to CivilWorks NW.

Section 2. The Mayor and City Manager are authorized to execute a contract with CivilWorks NW in the amount of \$242,375.00.

Section 3. The City Manager is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 12<sup>th</sup> day of August, 2013.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

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

## City Council Meeting

**D. 5.**

**Meeting Date:** 08/12/2013

**CONSENT** Authorize the Mayor to Sign an Addendum to the Basalt Creek

**AGENDA:** Intergovernmental Agreement

---

### **CONSENT AGENDA**

Consideration of Authorization for the Mayor to Sign an Addendum to the Basalt Creek Intergovernmental Agreement (IGA)

### **SUMMARY**

In June 2011, the Cities of Tualatin and Wilsonville, Washington County, Metro, and ODOT signed an Intergovernmental Agreement which outlined the roles and responsibilities for the Basalt Creek concept planning efforts. One of the first tasks was to complete the Basalt Creek Transportation Refinement Plan to help identify the major multi-modal transportation investments to be made in the area.

Last December, after nearly a year of this collaborative transportation planning effort, the Tualatin City Council gave direction to support the Basalt Creek Transportation Refinement Plan. Following the Tualatin City Council direction, a Policy Advisory Group composed of elected and administrative leaders from each of the agencies, unanimously recommended the adoption of the Basalt Creek Transportation Refinement Plan.

The Intergovernmental Agreement before the City Council is an addendum to the original IGA signed in June 2011. This addendum is an administrative ratification of the Basalt Creek Transportation Refinement Plan between the all the partners. It solidifies the recommendation and sets forth the path for incorporating the plan into Washington County's Transportation System Plan. In addition, it outlines the path for moving beyond the transportation planning to the land use concept plan of the Basalt Creek Planning Area.

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### **Attachments**

Attachment A: IGA Addendum

Attachment B: IGA Exhibit 1A

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**FIRST ADDENDUM TO 2011 INTERGOVERNMENTAL AGREEMENT  
BETWEEN METRO, WASHINGTON COUNTY, AND THE CITIES OF TUALATIN AND  
WILSONVILLE ACKNOWLEDGING THE BASALT CREEK TRANSPORTATION  
REFINEMENT PLAN**

This FIRST ADDENDUM ("First Addendum") to the INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN METRO, WASHINGTON COUNTY, AND THE CITIES OF TUALATIN AND WILSONVILLE ACKNOWLEDGING THE BASALT CREEK TRANSPORTATION REFINEMENT PLAN is entered into by the following parties: METRO, the Portland area metropolitan service district, hereinafter referred to as METRO; WASHINGTON COUNTY, a political subdivision in the State of Oregon, hereinafter referred to as "COUNTY"; and the CITY OF TUALATIN and CITY OF WILSONVILLE, incorporated municipalities of the State of Oregon, hereinafter referred to as "CITIES".

Whereas, in 2004 the METRO Council added two areas known as the Basalt Creek and West Railroad Planning Areas, located generally between the CITIES, to the Urban Growth Boundary (UGB) via Metro Ordinance No. 04-1040B; and

Whereas, COUNTY and CITIES have agreed to consider the Basalt Creek and the West Railroad areas in a single concept planning effort and to refer to the two subject UGB expansion areas generally as the "Basalt Creek Planning Area;" and

Whereas, on June 10, 2010 the METRO Council adopted its 2035 Regional Transportation Plan ("2035 RTP") via Metro Ordinance 10-1241B, with a Project List including an extension of SW 124<sup>th</sup> Avenue (Project #10736) south of SW Tualatin-Sherwood Road, several projects related to the proposed I-5 to Hwy 99W Connector Project Alternative 7 "Southern Arterial", which is planned as a continuous east-west roadway between I-5 and Hwy 99W passing through the subject UGB expansion areas, and the Ice Age Tonquin Trail between Wilsonville and Tualatin (Projects #10092 and 10854); and

Whereas, in recognition that major regional multi-modal transportation investments have been identified for the Basalt Creek Planning Area and that the Metro Urban Growth Management Functional Plan Title 11 concept planning of these areas will require significant multi-jurisdictional coordination, METRO, COUNTY, and CITIES signed the above-referenced IGA in 2011, outlining the roles and responsibilities of each party in the transportation and land use concept planning of the Basalt Creek and West Railroad Planning Areas; and

Whereas, that IGA identified an immediate need of the region to further refine two projects related to the "Southern Arterial" of the proposed I-5 to Hwy 99W Connector Project Alternative 7, specifically, 1) the alignment of the generally north-south extension of SW 124<sup>th</sup> Avenue from Tualatin-Sherwood Road to the vicinity of Tonquin Road, and 2) a generally east-west connection between SW 124<sup>th</sup> Avenue and Boones Ferry Road, and ultimately extending to the east side of I-5; and

Whereas, the parties to this IGA have outlined the refinement of these projects through the Basalt Creek Transportation Refinement Plan, which included conceptual engineering analysis and extensive public outreach; and

Whereas, while not mentioned specifically in the IGA, the Ice Age Tonquin Trail is a project in the Basalt Creek and West Railroad Planning Areas and was included in the refinement analysis for the Basalt Creek Transportation Refinement Plan and the Ice Age Tonquin Trail Master Plan was acknowledged by Washington County (Resolution and Order 13-18), City of Tualatin (Resolution 5133-13), and Metro (Resolution 13-4415); and

Whereas, the Ice Age Tonquin Trail will be considered in the design for the future East-West arterial, SW 124<sup>th</sup> Avenue/Tonquin Road intersection and improvements to Tonquin Road, though the funding for the proposed Ice Age Tonquin Trail will be decided separately; and

Whereas, on December 11, 2012, the Basalt Creek Transportation Refinement Plan Policy Advisory Group, comprised of two elected officials from each of the CITIES and COUNTY and one elected official from METRO, a senior staff member from METRO and a senior staff member from ODOT, unanimously recommended the East – West conceptual alignment, as identified in the Basalt Creek Transportation Refinement Plan (December, 2012); and

Whereas, on July 24, 2012, through the Major Streets Transportation Improvement Program (MSTIP), 3d Funding Program the COUNTY Board of Commissioners approved \$10.9 million to fund the design and construction of an interim generally south-north 2-lane extension of SW 124<sup>th</sup> Avenue from SW Tualatin-Sherwood Road to Tonquin Road and an additional \$10 million for design of a future generally East - West arterial from Tonquin Road to Boones Ferry Road and construction of interim improvements to existing roads in the Basalt Creek area as identified through the Basalt Creek Transportation Refinement Plan process; and

Whereas, the parties to this IGA will seek and coordinate additional funding for the major multimodal transportation system in the Basalt Creek Planning Area, as needed; and

Whereas, in order to address the multi-jurisdictional nature of the industrial lands in this area and the future jobs that will be created, a regional approach to funding the transportation network will be critical to the long-term success of the area; and

Whereas, COUNTY and CITIES wish to work together to incorporate the Basalt Creek Transportation Refinement plan recommendations into comprehensive planning documents (including transportation concept plans) to carefully plan development in the Basalt Creek and West Railroad Planning Areas that will be of benefit to COUNTY, CITIES, and their residents; and

Whereas the parties now wish to enter into this First Addendum to the IGA to memorialize and endorse the results of the Basalt Creek Transportation Refinement Plan; and

Now, therefore, incorporating all of the above Recitals as if fully set forth in this First Addendum the COUNTY, CITIES, and METRO agree as follows:

**A. Major Multi-modal Transportation System**

1. The recommended major multimodal transportation system in the Basalt Creek Planning Area is described in **Exhibit 1A** as per the Basalt Creek Transportation Refinement Plan.

**B. Agency Roles and Responsibilities**

The roles and responsibilities of the COUNTY, CITIES, and METRO are as follows:

1. COUNTY will:
  - a. Incorporate the recommended major multi-modal transportation system, as described in Section A.1, or as otherwise agreed to in writing by all parties, into the COUNTY Transportation System Plan within the first available ordinance cycle after the adoption of this First Addendum by all parties.
  - b. Utilize MSTIP 3d funds allocated for SW 124<sup>th</sup> Avenue and generally East-West arterial from Tonquin Road to Boones Ferry Road to begin interim improvements and complete necessary design work.
  - c. Through development review, protect the approved major multi-modal transportation system, as described in Section A.1, from development encroachment. Acquire the right-of-way needed for the recommended East – West alignment concept. Work with property owners along the alignment to acquire and/or seek dedication of right-of-way. In addition, the COUNTY will establish a study area to identify the alignment of and potential funding for the future arterial corridor from Boones Ferry Road and Day Road over Interstate 5 and connecting to Elligsen Road.
  - d. West of the SW 124<sup>th</sup> Avenue extension to Tonquin Road, the conditions for the “Southern Arterial”, as defined in the 2035 RTP and attached as Exhibit 2 to this IGA, still apply and the COUNTY will follow these conditions.
  - e. In coordination with CITIES and METRO, develop a funding strategy to implement the recommended East – West alignment concept. Consider

precluding future development along the East-West alignment until a funding plan has been developed.

- f. In coordination with CITIES through the concept plan and land use development processes, ensure that vehicle access to SW 124<sup>th</sup> Avenue and its extension along the East-West alignment be allowed only at Tualatin-Sherwood Road, Tonquin Road, Grahams Ferry Road, Boones Ferry Road, and one additional point.

2. CITIES will:

- a. Incorporate the recommended major multi-modal transportation system as described in Section A.1, or as otherwise agreed to in writing by all parties, into the final Basalt Creek Concept Plan, comprehensive plans, transportation plans, and implementing regulation amendments. CITIES shall incorporate into their amended plans and regulations reasonable measures to identify and assist in the right-of-way preservation of the approved major multi-modal transportation system from development encroachment in order to implement the final Basalt Creek Concept Plan. Such measures could include, where legally permissible, requirements for property setbacks and dedication of right-of-way as part of new development. The parties to this IGA acknowledge that such reasonable protection measures are not intended to require CITIES to incur any financial obligation to purchase right-of-way to preserve the identified multi-modal transportation system.
- b. Through concept planning, evaluate and consider appropriate buffering techniques between the new east-west extension of SW 124<sup>th</sup> Avenue and existing neighborhoods and proposed residential land that could be identified through the concept planning land use process.
- c. In coordination with COUNTY and METRO, develop a funding strategy to implement the recommended East – West alignment concept.
- d. In coordination with COUNTY, develop the Basalt Creek Concept Plan with the necessary roadway networks to support internal circulation and with access control regulation and measures to support limited access envisioned for the SW 124<sup>th</sup> Avenue and the recommended East-West alignment described in **Exhibit 1A**.
- e. In coordination with COUNTY through the concept plan and land use development processes, ensure that vehicle access to SW 124<sup>th</sup> Avenue and the East-West alignment be allowed only at Tualatin Sherwood Road, Tonquin Road, Grahams Ferry Road, Boones Ferry Road, and one additional point.

3. METRO will:

- a. Incorporate into the Regional Transportation Plan the recommended major multi-modal transportation system, as described in Section A.1, or as otherwise agreed to in writing by all parties.
- b. Consider the regional importance of the Basalt Creek Planning area in future funding and planning decisions and processes.
- c. In coordination with CITIES and COUNTY, develop a funding strategy to implement the recommended East – West alignment concept.

This First Addendum shall become effective upon full execution by all parties. The “Effective Date” of this First Addendum shall be the last date of signature on the attached signature pages.

If any portion of this First Addendum directly conflicts with the IGA, as originally executed in 2011, the provisions of this First Addendum will control.

Except as modified by this First Addendum, the remainder IGA shall remain in full force and effect as written and this First Addendum shall be become a part thereof. This First Addendum may be executed in counterpart.

**Attachments:**

Exhibit 1A – Basalt Creek Transportation Refinement Plan

*(Four separate signature pages follow)*

**CITY OF TUALATIN, Oregon:**

By: \_\_\_\_\_  
Lou Ogden  
Mayor

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

ATTEST:

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

**CITY OF WILSONVILLE, Oregon:**

By: \_\_\_\_\_  
Tim Knapp  
Mayor

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

**ATTEST:**

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

**WASHINGTON COUNTY, Oregon:**

By: \_\_\_\_\_  
Andy Duyck  
Chair, Board of County Commissioners

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

ATTEST:

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

**METRO:**

By: \_\_\_\_\_  
Martha Bennett  
Chief Operating Officer

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

**ATTEST:**

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

**Approved as to Form:**

OFFICE OF WASHINGTON COUNTY COUNSEL:

  
\_\_\_\_\_  
Jacquilyn Saito-Moore; OSB 983410  
Sr. Assistant County Counsel  
[jacquilyn\\_saito-moore@co.washington.or.us](mailto:jacquilyn_saito-moore@co.washington.or.us)

# Basalt Creek Transportation Refinement Plan Recommendations

## Introduction

The Basalt Creek transportation planning effort analyzed future transportation conditions and evaluated alternative strategies for phased investments that support regional and local needs.<sup>1</sup> This document reflects the Policy Advisory Group's unanimous approval of the transportation investments, next steps for policy and plan updates, and potential funding strategies described in this document.

## Purpose

The purpose of this refinement plan was to determine the major transportation system connecting Tualatin-Sherwood Road to I-5 in North Wilsonville through the Basalt Creek Planning Area, which is currently an unincorporated urban area of Washington County between the cities of Tualatin to the north, and Wilsonville to the south (see Figure 1). This plan refines recommendations from the I-5/99W Connector Study and the Regional Transportation Plan, setting the stage for land use concept planning and comprehensive plan development for the Basalt Creek area.

## Planning Context

The need to plan for the future transportation system in the Basalt Creek area is driven not only by future growth in the Basalt Creek Planning area itself, but by future growth in surrounding areas targeted for industrial development. Basalt Creek currently lacks the multi-modal transportation facilities needed to support economic and urban-level development. Several planning

The Basalt Creek Transportation Refinement Plan was a joint effort involving:

- Washington County
- City of Tualatin
- City of Wilsonville
- Metro
- The Oregon Department of Transportation
- Area Citizens

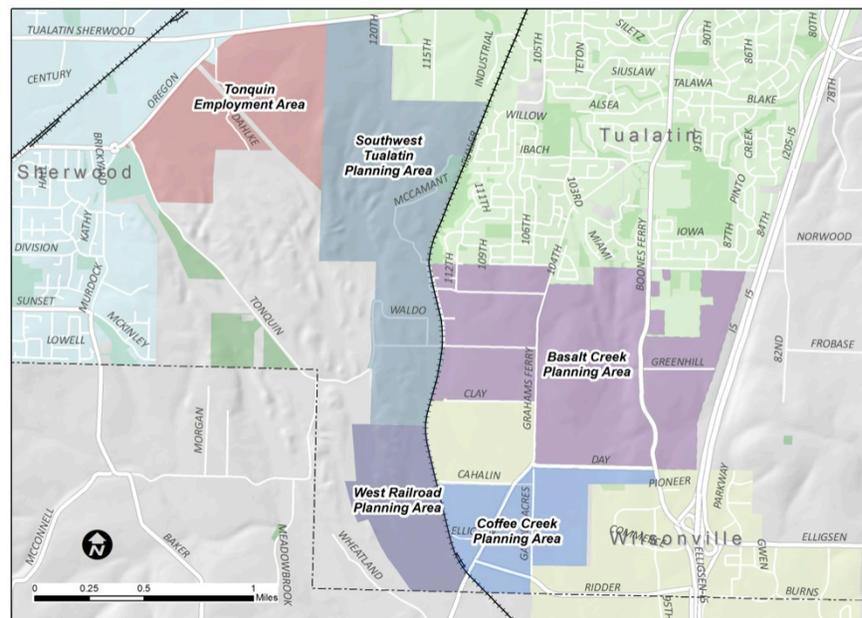


Figure 1: Basalt Creek Planning Area Location

<sup>1</sup> See *Basalt Creek Transportation Refinement Plan Technical Report* for more information.

efforts, summarized below, provide background and context for the Basalt Creek Transportation Refinement Plan.

- The **I-5/99W Connector Study** recommended an alternative that spreads east-west traffic across three smaller arterials rather than a single expressway. Although specific alignments for these arterials were not defined, the eastern end of the Southern Arterial was generally located within the Basalt Creek Planning Area, south of Tonquin Road. The present planning effort aims to further define the location of the connection between the SW 124<sup>th</sup> Avenue Extension and the I-5/Elligsen interchange in a manner that does not preclude the future Southern Arterial west of SW 124<sup>th</sup>.
- The **2035 Regional Transportation Plan (RTP)** calls for detailed project planning and near-term construction of an extension of SW 124<sup>th</sup> Avenue from Tualatin-Sherwood Road to the I-5/Elligsen Road interchange, supporting industrial access from the Tonquin, Southwest Tualatin, and Basalt Creek Planning Areas. The RTP also calls for the near-term construction of the Tonquin Trail (see below).
- The **Tonquin Employment Area, Southwest Tualatin Concept Planning Area, and Coffee Creek Planning Area** together comprise about 1,000 acres surrounding the Basalt Creek area that are planned primarily for industrial use. These areas are expected to generate growing freight and work-related travel demands on the multi-modal transportation network that runs through the Basalt Creek area.
- The **SW 124<sup>th</sup> Avenue Extension** Project, currently underway, is planning and designing the corridor described in the RTP from Tualatin-Sherwood Road to Tonquin Road. The present planning effort aims to extend the corridor to I-5 as envisioned in the RTP and ensure consistency with current SW 124<sup>th</sup> Avenue project.
- Washington County's **Boones Ferry Road** improvement project, also currently underway, provides pedestrian and bicycle improvements and an intermittent center turn lane between Norwood Road and Day Road. It is an assumed improvement for the Basalt Creek area.
- Near-term construction of the **Tonquin Trail** is called for in the RTP. The master plan identifies an alignment for new bicycle and pedestrian connections between Sherwood, Tualatin, and Wilsonville, with connections to the larger regional trail system. The Tonquin Trail will travel through the Southwest Tualatin Concept Plan Area and the Tonquin Employment Concept Plan Area, and is an assumed improvement within the Basalt Creek Transportation Refinement Plan.
- **Transportation System Plan** updates for Washington County, Tualatin, and Wilsonville are currently underway. Washington County will incorporate recommendations from this refinement plan into the County TSP update. The cities of Tualatin and Wilsonville will not incorporate these recommendations into their current TSP updates, but will carry the recommendations into land use concept planning and future TSP updates.

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## Facility Considerations and Characteristics

At the outset of this effort, agencies articulated a set of considerations to guide selection of the preferred transportation system as well as preferred characteristics of the primary east-west facility through the area.

- **Guiding considerations** included: ability to fund and phase improvements, level of impacts (environmental, right-of-way, etc.), support for development, consistency with regional policy, and traffic operations performance.
- **Facility characteristics** included: for the primary arterial connection, a 45 mph prevailing speed and access spacing of one-half mile to one mile to improve capacity.

## Recommendation

The Policy Advisory Group (PAG), which consists of elected officials and key staff from the project's five partner agencies, recommends the following elements as part of an overall Action Plan (illustrated in Figure 2) for the area.

### Roadways

The final recommendation is for a combination of new and improved roadways through the Basalt Creek area. The key new roadway through the area is a five-lane east-west extension of SW 124<sup>th</sup> Avenue, aligned south of Tonquin Road and extending east to Boones Ferry Road. The recommendation also includes improvements to existing roadways in the area, such as Tonquin Road, Grahams Ferry Road, Boones Ferry Road, and Day Road.

Protection of right-of-way for the new east-west roadway from the 124<sup>th</sup> Avenue extension to Boones Ferry Road is a key element of this recommendation. Right-of-way protection and purchase will be addressed separately, concurrent with the Basalt Creek land use concept planning.

During the planning process, the City of Wilsonville expressed concern about the structural condition of Day Road (i.e., failing roadway base and resulting pavement deterioration) and its ability to carry freight traffic for further development of industrial lands. While the Basalt Creek Transportation Refinement Plan focused on roadway needs related to capacity, the PAG agreed that the function of the arterial network in the Basalt Creek area includes providing roadways with adequate structural design for regional freight needs. Therefore, the PAG agreed that the project recommendations include a commitment to address the construction, operations, and maintenance of the arterial network through the concept planning process.

### Overcrossings

The ability to construct two new I-5 overcrossings, including an off-street multi-use path, should be preserved in order to provide for future circulation and connectivity across the Basalt Creek area and into areas east of I-5. These overcrossings are recommended as long-term improvements and are likely not needed until 2035 or later. Forecasts show that the second overcrossing is not needed unless surrounding urban reserve areas east of I-5 and south of I-205 are developed. This refinement plan is neutral on the timing of urban reserves development, and therefore does not specify the timing and order of overcrossing improvements.

## Active Transportation

All improved roadways in the Action Plan include bike lanes and sidewalks consistent with Washington County urban standards. This recommendation also includes integration of the regional Tonquin Trail into the transportation network. Metro, in close coordination with the cities of Tualatin, Wilsonville, Sherwood, and Washington and Clackamas counties, led the master planning effort that identified a preferred alignment that travels through the Basalt Creek Planning Area. Roadway cross-sections and right-of-way purchases for the future east-west facility will consider needs for the Tonquin Trail in the design for the railroad overcrossing and improvements to Tonquin Road between Morgan Road and Tonquin Loop Road. Design for the east-west facility should also consider providing an off-street multi-use path that connects to the Tonquin Trail and extends east of I-5. Details of how this multi-use path will be integrated with the east-west facility design will be refined during later land use concept planning.

## Action Plan

The recommended Action Plan consists of 18 transportation investments, shown in Figure 2. Timing of projects was prioritized through an analysis of likely transportation needs in 2020, 2030, and 2035 based on growth assumptions from the adopted Regional Transportation Plan. Because of uncertainty regarding the years during which development in the Basalt Creek Planning Area and surrounding areas will occur, phasing for investments is classified as short-term, medium-term, and long-term. Descriptions of these investments, as well as timing and the funding needed, are shown in Table 1. Cost estimates include right-of-way.

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Table 1: Basalt Creek Action Plan

ID	Project	Short-Term	Medium-Term	Long-Term	Cost (\$2012)
1	124 <sup>th</sup> Avenue Extension (Tualatin-Sherwood Road to Tonquin Road): Construct three lane road extension with bike lanes and sidewalks	x			\$20,000,000
2	Tonquin Road (124 <sup>th</sup> Avenue to Grahams Ferry Road): Widen to three lanes with bike lanes and sidewalks, grade separate at railroad, improve geometry at Grahams Ferry Road <sup>1</sup>	x			\$10,500,000
3	Grahams Ferry Road (Tonquin Road to Day Road): Widen to three lanes with bike lanes and sidewalks	x			\$5,400,000
4	Boones Ferry Road (Norwood Road to Day Road): Widen to three lanes with bicycle and pedestrian improvements	x			\$10,800,000
5	124 <sup>th</sup> Avenue/Tonquin Road Intersection: Signal (may include Tonquin Trail crossing)	x			~ <sup>2</sup>
6	Grahams Ferry Road/Tonquin Road Intersection: Signal	x			\$500,000
7	Boones Ferry Road/Day Road Intersection: Add second southbound through approach lane	x			~ <sup>3</sup>
8	Boones Ferry Road/95 <sup>th</sup> Avenue Intersection: Construct dual left-turn and right-turn lanes; improve signal synchronization, access management and sight distance	x			\$2,500,000
9a	Tonquin Trail (Clackamas County Line to Tonquin Loop Road): Construct multi-use trail with some segments close to but separated from road	x			\$8,900,000 <sup>4</sup>
9b	Tonquin Trail (Tonquin Loop Road to Tualatin-Sherwood Road): Construct multi-use trail with some segments close to but separated from road		x		\$7,100,000 <sup>4</sup>
10	124 <sup>th</sup> Avenue Extension (Tualatin-Sherwood Road to Tonquin Road): Widen from three to five lanes with bike lanes and sidewalks		x		\$14,000,000
11	East-West Arterial (124 <sup>th</sup> Avenue to Boones Ferry Road): Construct 5 lane roadway with railroad and creek crossings, integrate segment of Tonquin Trail <sup>5</sup>		x		\$57,900,000
12	Boones Ferry Road (East-West Arterial to Day Road): Widen to five lanes with bike lanes and sidewalks		x		\$1,100,000
13	Kinsman Road Extension (Ridder Road to Day Street): Construct three lane road extension with bike lanes and sidewalks		x		\$10,400,000
14	Day Road (Kinsman Road to Boones Ferry Road): Widen to five lanes with bike lanes and sidewalks		x		\$5,800,000
15	I-5 Southbound off-ramp at Boones Ferry Road/Elligsen Road: construct second right turn lane		x		\$500,000
16	Boones Ferry Road/95 <sup>th</sup> Avenue Intersection: Access management		x		~ <sup>6</sup>
17	Day Road Overcrossing: Extend new four lane crossing over I-5 from Boones Ferry Road to Elligsen Road			x	\$33,700,000- \$44,100,000 <sup>7</sup>
18	East-West Arterial Overcrossing: Extend new four lane crossing over I-5 from Boones Ferry Road to Stafford Road. Integrate multi-use path in corridor that connects to Tonquin Trail			x	\$38,000,000
<b>TOTAL</b>		<b>\$59M</b>	<b>\$97M</b>	<b>\$72-82M</b>	<b>\$228-238M</b>

<sup>1</sup> Grade separation for Tonquin Road is optional. An at-grade crossing would reduce cost by around \$2,000,000

<sup>2</sup> Cost included in Project 1

<sup>3</sup> Coordinate with Project 4. Cost of approach lane included in estimate for Project 12

<sup>4</sup> Tonquin Trail cost estimated by Metro as part of trail planning effort

<sup>5</sup> Project 11 can potentially be built in two phases funded separately, west and east of Grahams Ferry Road. However, traffic benefits needed in the medium term (around 2030) will not be realized unless entire project is completed

<sup>6</sup> Project details to be determined by further coordination between City of Wilsonville and ODOT. Cost expected to be minimal

<sup>7</sup> Specific alignment approaching Elligsen Road will determine project cost. Alignment to Parkway Center Drive is estimated at \$33,700,000, and alignment to Canyon Creek Road is estimated at \$44,100,000



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Each investment adds important improvements to the major transportation system in the Basalt Creek area to support future development, adding new multimodal facilities and upgrading existing facilities to urban standards. Although not shown on the map, it is expected that future concept planning will identify locations for additional, lower-classification roads and other transportation facilities to serve future development as well.

### Are these new projects?

While cost estimates for the entire recommendation may total as high as \$238,000,000, all of the 18 projects have some relation to investments already planned in the adopted RTP. Table 2 shows projects from the RTP that have overlap or similarity to projects contained in the Action Plan. **Note that many of these projects are different in scope from those contained in the Action Plan, and will have different cost estimates. Future RTP updates may include updated cost estimates from this study.**

**Table 2: Related projects from the Regional Transportation Plan**

RTP ID	RTP Project	Related Action Plan Projects	Time Period	Cost (\$2007)
10736	124 <sup>th</sup> Avenue: Construct new street from Tualatin-Sherwood Road to Tonquin Road: 5 lanes	1,5,10,11	2008-2017	\$82,500,000
10590	Tonquin Road: Realign and widen to three lanes with bike lanes and sidewalks (Oregon Street to Grahams Ferry Road)	2,6	2018-2025	\$28,406,000
10588	Grahams Ferry Road: Widen to three lanes, add bike/pedestrian connections to regional trail system and fix undersized railroad crossing (Helenius Street to Clackamas County line)	3	2008-2017	\$28,000,000
10732	Boones Ferry Road: Widen to five lanes (Norwood Road to Day Road)	4,7,12	2018-2025	\$40,050,000
10852	95 <sup>th</sup> /Boones Ferry/Commerce Circle Intersection Improvements	8,16	2008-2017	\$2,500,000
10854	Tonquin Trail: Construct multi-use trail with some on-street segments (Tualatin-Sherwood Road to Clackamas County line)	9a,9b	2008-2017	\$3,000,000
10853	Kinsman Road extension with bike lanes and sidewalks (Ridder Road to Day Road)	13	2008-2017	\$6,500,000
11243	Day Road reconstruction to accommodate trucks (Grahams Ferry Road to Boones Ferry Road)	14	2008-2017	\$3,200,000
11342	I-5/99W Connector Southern Arterial/I-5 Interface <sup>1</sup>	15,17,18	2026-2035	\$50,000,000

<sup>1</sup> Construction of projects specifically related to the I-5/99W Connector Southern Arterial, such as the I-5 interface, are contingent on certain project conditions being met. See Regional Transportation Plan for details.

## Policy and Plan Updates

Recommendations in this plan allow new concept planning efforts to move forward and provide guidance for updates of existing transportation plans.

### Basalt Creek and West Railroad Area Concept Planning

The transportation system recommended in this plan becomes the framework for more detailed land use concept planning of the Basalt Creek Planning Area and West Railroad Planning Area by the cities of Tualatin and Wilsonville. Key recommendations to be carried forward during concept planning include:

- Protection of the major transportation facility corridors from development encroachment.
- Coordination of the local transportation system with the transportation investments included in this plan (unless amended by the parties of this study). Each roadway in the Basalt Creek area has access spacing standards that protect the safety and operations of the system, and these standards help determine appropriate local street connections. The new east-west facility is limited to accesses at 124<sup>th</sup> Avenue, Grahams Ferry Road, and Boones Ferry Road.
- Detailed concept planning in the Basalt Creek area should consider multi-use path connections to the Tonquin Trail that emphasize directness and minimize conflicts, enhancing bicycle and pedestrian access to new residential and employment areas. In the West Railroad area, concept planning will also include sections of the Tonquin Trail.

### Regional Transportation Plan

In many cases, this transportation refinement plan provides new detail and cost estimates for projects that are already in the adopted RTP. These refined project descriptions, cost estimates, and timing considerations should be considered when projects are forwarded to Metro for the next RTP update. Examples of RTP projects that overlap with projects in this refinement plan include:

- 10590 (Tonquin Road). Action Plan project #2 includes a grade-separated railroad crossing, which is not included in the RTP project description.
- 10852 (95<sup>th</sup>/Boones Ferry/Commerce). Action Plan projects 8 and 16 will require further coordination with ODOT to determine geometry and timing of intersection improvements.
- 11243 (Day Road). Action Plan project #14, which widens part of Day Road, should also upgrade the roadway structure and pavement conditions to accommodate increasing heavy truck volumes. Although project #14 applies only to the section of Day Road between Kinsman Road and Boones Ferry Road, funding of roadway reconstruction between Kinsman Road and Grahams Ferry Road should also be discussed as part of land use concept planning.
- 10854 (Tonquin Trail). Action Plan projects #2, #5, #11 all need to consider Tonquin Trail in their design, including most recent alignment information and cost estimates from the trail master plan.

### Washington County TSP Update

Most of the projects included in the Action Plan are new facilities in unincorporated Washington County or improved facilities already under County jurisdiction. An amendment to update the Washington County TSP will be done in 2013 to incorporate the descriptions, cost estimates, and timing of these projects.

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## Tualatin and Wilsonville TSP Updates

The Cities of Tualatin and Wilsonville are also currently updating their transportation system plans. However, because concept planning for Basalt Creek will include agreement on the future city limit boundary between the two cities, as well as more detailed transportation network considerations, the projects included in this plan will not be incorporated as part of the current TSP updates. Future TSP updates may reflect elements from this refinement plan by amending project lists, maps, and funding strategies.

## Funding

Funding for some short-term Action Plan projects has already been programmed by Washington County through their Major Streets Transportation Improvement Program (MSTIP). This includes \$16.9 million (\$10.9 million in MSTIP funding and \$6 million from other sources) for an interim two-lane extension of SW 124<sup>th</sup> Avenue from Tualatin-Sherwood Road to Tonquin Road. It also includes an additional \$10 million for right-of-way purchase or other improvements from the list identified by this Plan. Washington County has also provided \$11 million in funding for the current Boones Ferry Road improvement project.

While this recommendation does not identify a specific overall funding strategy for the Action Plan, there are many existing revenue sources that may be used to fund the recommended investments.

**Many are subject to a state or regionally competitive process where success can hinge on having a broadly supported plan in place.**

The revenue sources listed below form the basis of the financially constrained Regional Transportation Plan and related project list, which already contains many of the recommended Basalt Creek investments. The RTP assumes federal, state, and local sources, all of which will be key to funding the Action Plan.

### Federal

Based on MAP-21<sup>2</sup> legislation, sources may include:

- **National Highway Performance Program (NHPP).** These funds are intended for rehabilitation and expansion of principal arterials, especially those with important freight functions.
- **Regional Surface Transportation Program (STP) funds.** These funds may be used for virtually any transportation purpose short of building local residential streets.
- **Congestion Mitigation/Air Quality (CMAQ) funds.** These funds typically support biking, walking, and transit projects, and other projects that help to achieve air quality standards.
- **Transportation Alternatives (TA) funds.** TA takes the place of previous programs such as Transportation Enhancements and Recreational Trails, and may be used to fund a variety of non-motorized projects.

<sup>2</sup> For more information see <http://www.fhwa.dot.gov/map21/>

These funds are allocated to projects through a state or regionally managed competitive process for inclusion in the Metropolitan Transportation Improvement Program (MTIP) and the State Transportation Improvement Program (STIP).

### State

State sources include the statewide gas tax, vehicle registration fees, and weight-mile taxes on trucks. These funds typically go to road and bridge maintenance projects, but funding for projects of regional significance, such as those provided by Oregon House Bill 2001 Jobs and Transportation Act (JTA), may be made available for modernization. Again, having a plan in place allows projects to access funds when new funding opportunities become available.

### Local

A variety of local funding sources are available, although some, such as urban renewal and local improvement districts, are subject to approval. Sources may include:

- Washington County Major Streets Transportation Improvement Program (MSTIP)
- Local portion of State Highway Trust Fund
- Local gas tax
- Transportation System Development Charges (SDCs) or Transportation Development Taxes (TDTs) levied on new development
- Urban renewal funding
- Developer contributions
- Local improvement districts (LIDs)



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** Paul Hennon, Community Services Director  
Becky Savino, Program Coordinator

**DATE:** 08/12/2013

**SUBJECT:** Consideration of **Resolution No. 5162-13** Authorizing the City Manager to Execute Contracts for Commissions of Public Art at Tualatin Commons Park and the Library to Commemorate Tualatin's 100th Anniversary of Incorporation

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### **ISSUE BEFORE THE COUNCIL:**

Council will consider adoption of a resolution that would award commissions for public art at Tualatin Commons Park and the Tualatin Public Library to commemorate Tualatin's 100th anniversary of incorporation.

### **RECOMMENDATION:**

The Centennial Public Art Selection Committee recommends the Council award commissions for the creation of two public art pieces as defined in Exhibit A, Tualatin Commons Park, and Exhibit B, Tualatin Public Library, to the attached resolution.

### **EXECUTIVE SUMMARY:**

A curved steel sculpture is recommended for the west side of Tualatin Commons Park adjacent to Martinazzi Avenue entitled "The Lazy River." The 20' tall sculpture would symbolize the native meaning of Tualatin, "Lazy River," with its flowing curves serving as a canvas for symbolic icons representing the essence of Tualatin. The artist is Joseph Rastovich.

The artwork recommended for the Library is a vertical bas-relief mixed media mosaic in a semi-abstract style entitled "Flowing Through Tualatin." The 7 foot tall by 3 foot wide artwork would create a flowing sculptural depiction of the evolution of Tualatin as a community in its first 100 years. The artwork would evoke a flowing river, with elements of Tualatin's past and present depicted, including agriculture, timber, rail, and water transportation as examples. The artwork would contain stone, wood, glass and found objects as materials, assembled on a hand-formed substrate that would gently undulate. The artwork would be placed in the lobby near the front doors. The artist is Lynn Adamo.

The recommended artworks were chosen by the Centennial Public Art Selection Committee after reviewing proposals received in response to a request for proposals. The twelve-member Centennial Public Art Selection Committee reviewed proposals, interviewed short-listed artists, and recommended two artists for commissions. The Centennial Public Art Selection Committee will provide input on themes that represent Tualatin, monitor progress of the artworks through installation, and will recommend final acceptance. The Council-appointed Centennial Public Art Selection Committee consists of members of the Tualatin Arts Advisory Committee (TAAC), Tualatin Library Advisory Committee (TLAC), members of Tualatin Parks Advisory Committee (TPARK), a member from the Tualatin Library Foundation, a member from Friends of the Tualatin Public Library, a member from the Commercial Citizen Involvement Organization (CCIO), and three members of the City Council.

The artworks will be delivered and installed on or before December 13, 2013 to commemorate the Tualatin's 100th anniversary of incorporation.

#### **FINANCIAL IMPLICATIONS:**

The cost for "The Lazy River" sculpture for Tualatin Commons Park is not to exceed \$20,000 with \$16,780 for the sculpture and up to \$3,220 for accessible surfacing around the base with final design and materials to be determined. The cost for "Flowing Through Tualatin" for the Tualatin Public Library is \$9,275. Funds for both projects are included in the adopted FY13/14 budget. Maintenance costs for both artworks is projected to be minimal based on the proposed designs and since they are made of durable materials.

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**Attachments:**    [Resolution 5162-13](#)

RESOLUTION NO. 5162-13

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE  
CONTRACTS FOR COMMISSIONS OF PUBLIC ART AT TUALATIN  
COMMONS PARK AND THE LIBRARY TO COMMEMORATE TUALATIN'S  
100<sup>TH</sup> ANNIVERSARY OF INCORPORATION

WHEREAS the City of Tualatin is celebrating the 100<sup>th</sup> anniversary of its incorporation as a city and has chosen to celebrate the centennial anniversary in various ways including the creation of public art; and

WHEREAS the Centennial Public Art Selection Committee recommends the Council award commissions for the public art described in the attached Exhibits A and B; and

WHEREAS adequate funds have been budgeted for the recommended pieces of public art.

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

Section 1. The City Manager be, and hereby is, authorized to execute contracts for the commissions of Public Art at Tualatin Commons Park and the Library as described in the attached Exhibits A and B.

INTRODUCED AND ADOPTED this 12<sup>th</sup> day of August, 2013.

CITY OF TUALATIN, OREGON

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

ATTEST:

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

**TUALATIN COMMONS PARK**

*Artist:* Joseph Rastovich

*Location of Project:* Tualatin Commons Park  
7880 SW Nyberg Street  
Tualatin, OR 97062  
(Along western park boundary between Tualatin-Sherwood Road and Nyberg Street)

*Name of Art Project:* "The Lazy River"

*Cost:* Not to exceed \$20,000 with \$16,780 for the sculpture and \$3,220 for accessible surfacing around the base in a design and material to be determined.

*Art Medium:* Steel sculpture

*Design, Dimensions, Materials & Installation:* 20 ft. tall sculpture fabricated from structural steel plate. The sculpture will symbolize the native meaning of Tualatin, "Lazy River," with its flowing curves. The design simultaneously represents the tusk of a Mastodon. This sculptural shape is used as a canvas to display symbolic icons representing the essence of Tualatin. The symbols will suggest various aspects of Tualatin such as the ice age floods, the Aftalati people, "Tree City," birdwatching, canoeing, the lumber and brick industries, biking, and the river, among other iconography.

The structural steel plate used in the sculpture will create four "fins" that join in the center while following an organic curve. This construction provides a unique and full view from all directions.

*Completion Date:* By December 13, 2013.

**TUALATIN PUBLIC LIBRARY**

*Artist:* Lynn Adamo

*Location of Project:* Tualatin Public Library  
18884 SW Martinazzi Avenue  
Tualatin, OR 97062  
(Library lobby on the west wall closest to the front doors)

*Name of Art Project:* "Flowing Through Tualatin"

*Cost:* \$9,275

*Art Medium:* Bas-Relief Mixed Media

*Design, Dimensions,  
Materials & Installation:* 7 ft. tall x 3 ft. wide semi-abstract flowing sculptural depiction of the evolution of Tualatin as a community in its first 100 years. The art piece will contain stone, wood, glass and found objects as materials, assembled on a hand-formed substrate that would gently undulate. The work would evoke a flowing river, with elements of Tualatin's past and present depicted: agriculture, timber, rail, and water transportation as examples.

The artwork will distill several significant ideas into a coherent and visually interesting work, in an abstract rather than realistic style, that depicts Tualatin's history.

*Completion Date:* By December 13, 2013.



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** Don Hudson, Finance Director

**DATE:** 08/12/2013

**SUBJECT:** Quarterly Financial Update

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### **ISSUE BEFORE THE COUNCIL:**

An update on the fourth quarter financial activities for fiscal year 2012-13.

### **RECOMMENDATION:**

No action is required by the Council.

### **EXECUTIVE SUMMARY:**

Tonight's report will provide the Council with an update of financial activities during the fourth quarter of fiscal year 2012-13.

This presentation will provide updates on departmental goals, information on items or projects that have been accomplished during the fourth quarter, a status of revenues and expenditures in the three operating funds (General Fund, Building Fund and Operations Fund), and an updated Fiscal Health model projection.

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**Attachments:** [PowerPoint Presentation](#)



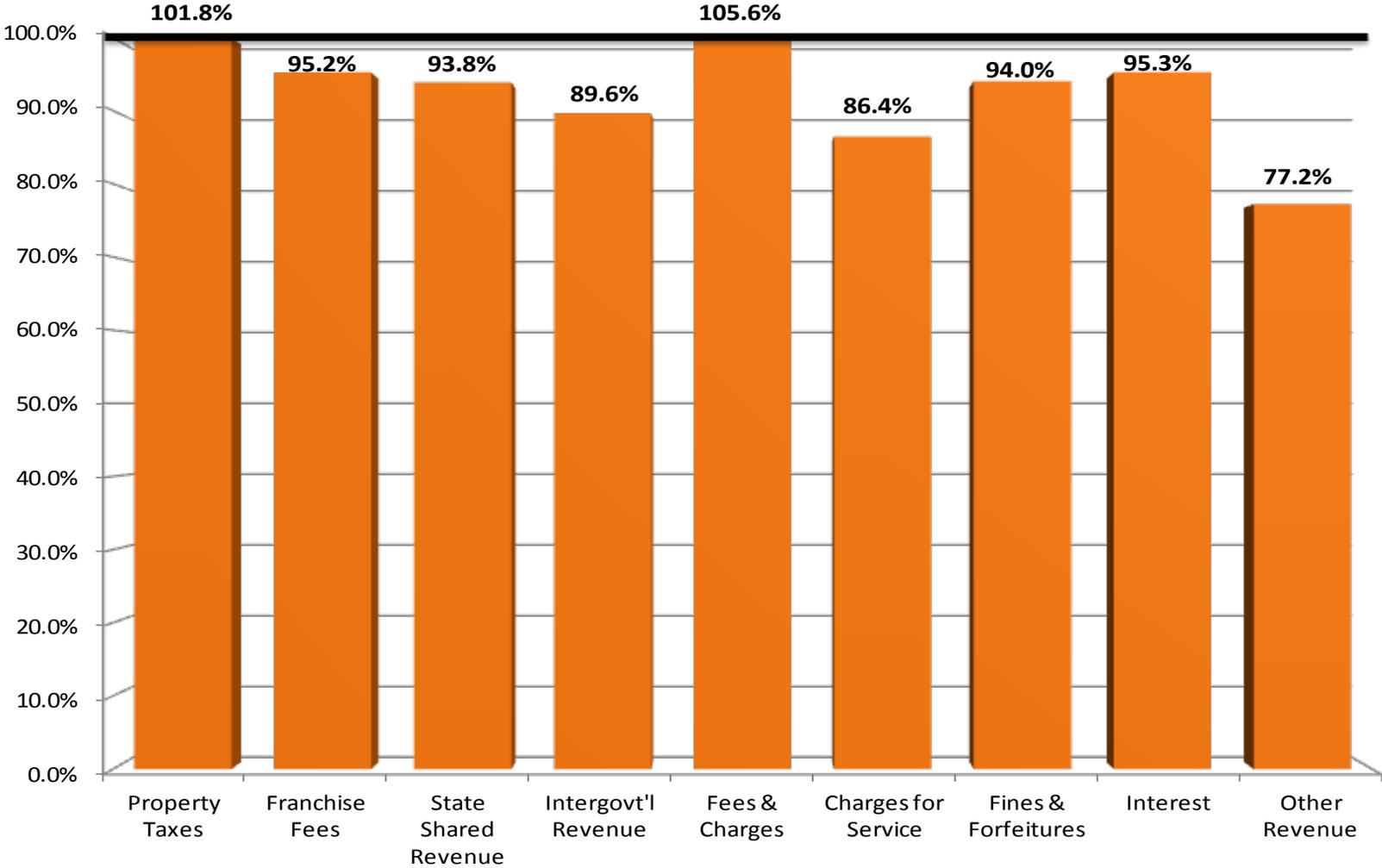
*City of Tualatin*

# QUARTERLY FINANCIAL UPDATE

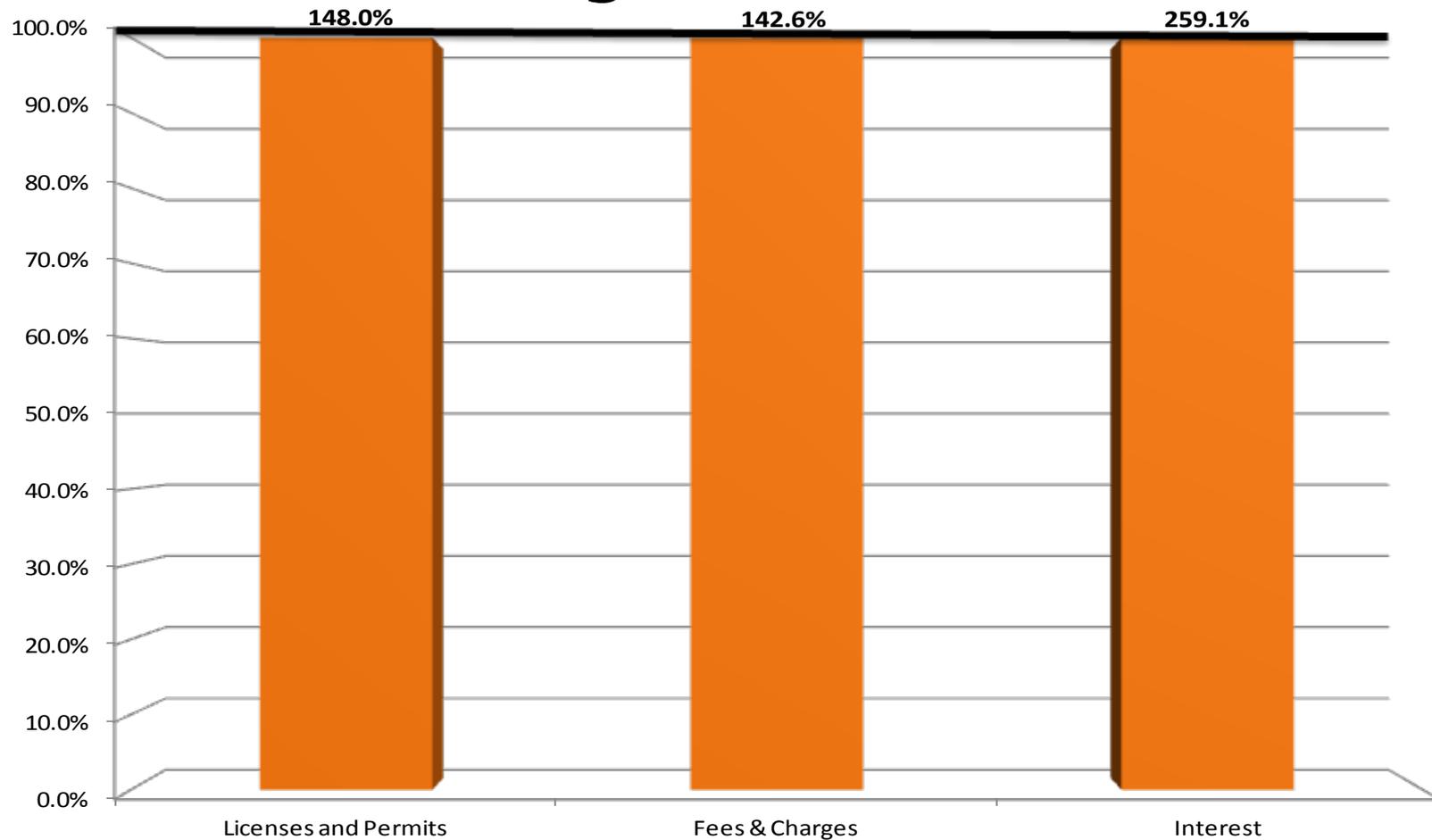
Fiscal Year 2012 – 2013

Fourth Quarter, ending June 30, 2013

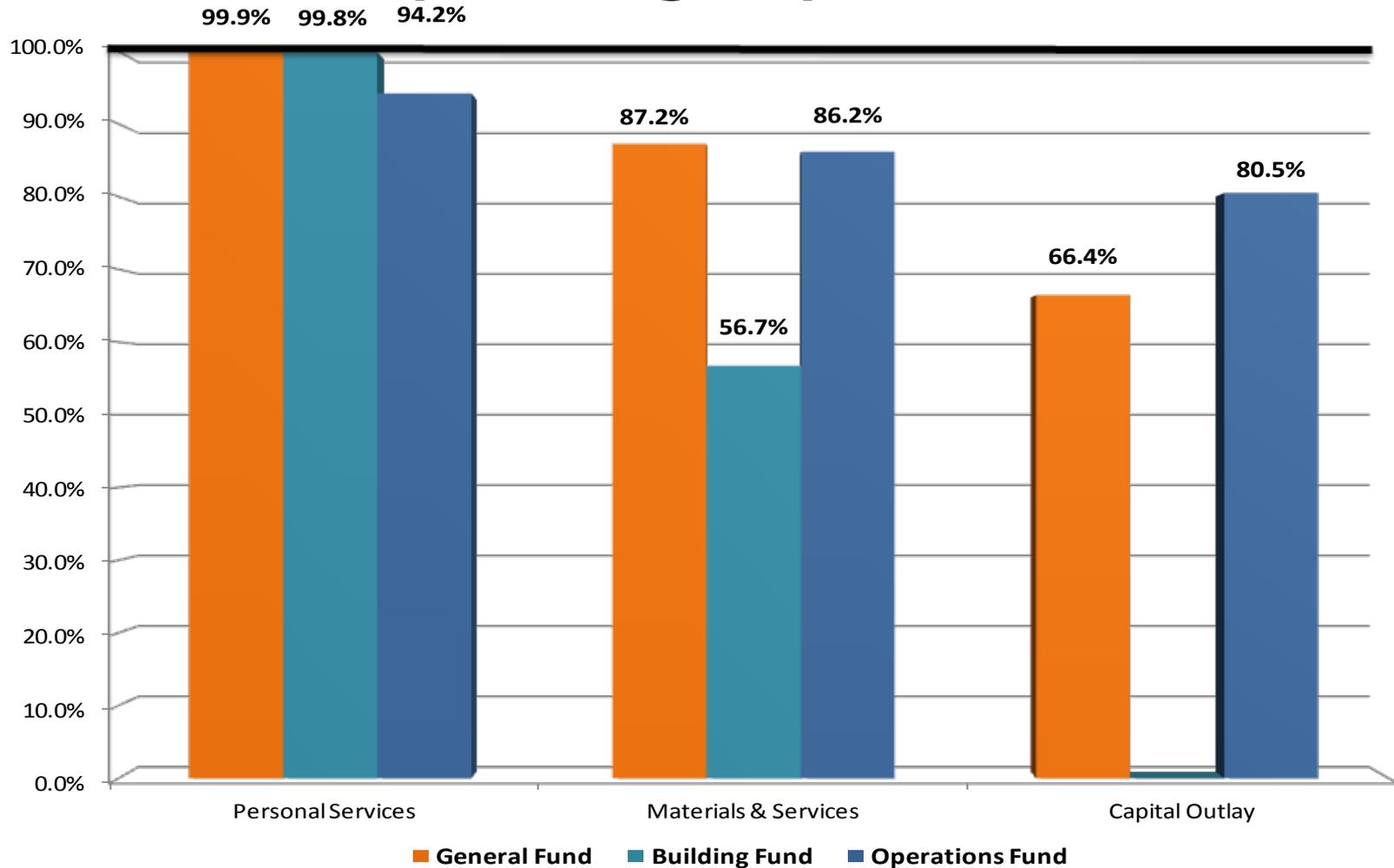
# General Fund Revenue



# Building Fund Revenue



# Operating Expenditures



# Purchased Barcode Technology for Police Evidence



- Implementing the system in early FY13/14
- Creating efficiencies in gathering and recording of property and evidence in the Police Department

# Tualatin Tomorrow Update

- On-line idea forum
- Fill out cards, available at City Offices
- Visiting booths at events such as the Farmers Market or Crawfish Festival

## Community Engagement

The TTAC will use a variety of venues and tools to engage the community in the Vision update, including:

- Inviting people to submit idea cards at drop boxes located at community gathering spots
- Interviewing residents attending community events and festivals
- Using crowd sourcing technology to allow community members to submit and rank ideas online
- Hosting one or more community open houses this fall
- Conducting targeted outreach to businesses, non-English speakers and other community interests
- Creating "Theme Teams" to help craft effective, implementable actions for the future

The update process will take place in three phases as shown below:

- 1 Community Ideas**  
Community Leader Interviews  
Community Conversations  
Collect Community Ideas  
June-August
- 2 Action Planning**  
Public Forums  
Surveys  
Theme Team Meetings  
Community Review & Prioritization  
September-October 2013
- 3 Final Action Plan Update**  
Recruit Partners  
Complete Plan  
City Council Review  
November-December

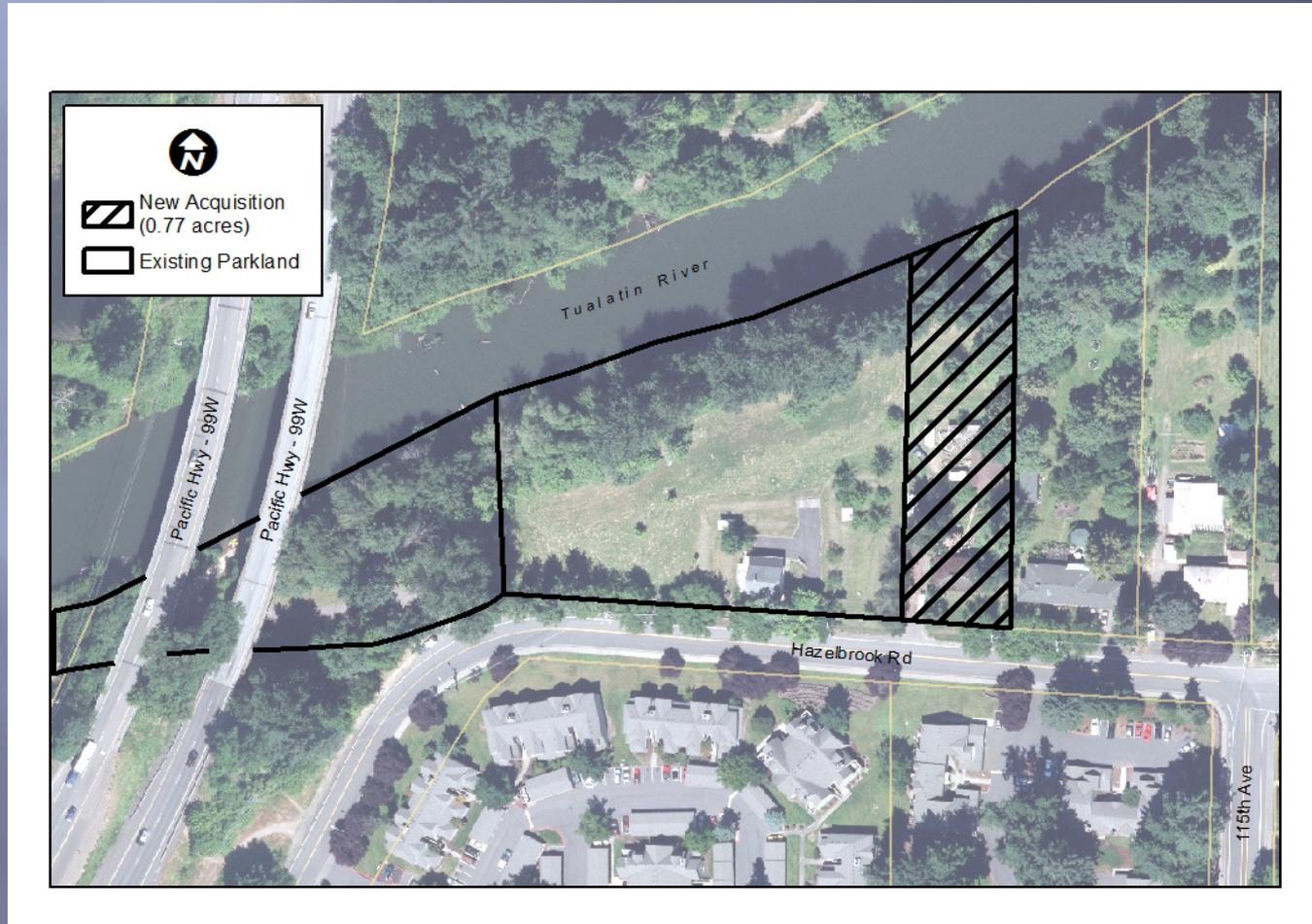
**Tualatin Tomorrow Advisory Committee**  
Frank Bubenik, Council Liaison  
Adam Butts, Vice-Chair  
Ed Casey  
Robert Kellogg  
Candice Kelly, Chair  
Larry McClure  
Linda Moholt  
Dave Solomon  
Dana Terhune  
Bethany Wurtz

**How do I get involved?**  
Please visit [www.tualatintomorrow.org](http://www.tualatintomorrow.org) to sign up for our contact list, track upcoming events and find opportunities to share your ideas or participate in future activities. While you're there, be sure to click on the "Idea" button to review and rate other people's ideas or submit your own!

For more information, contact:  
**Sara Singer**  
Deputy City Manager  
City of Tualatin  
503.691.3065



# Purchased Toman Property



# Honored City Volunteers



# Completed Capital Projects



Joshua Street Sewer Repair

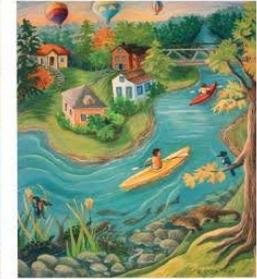
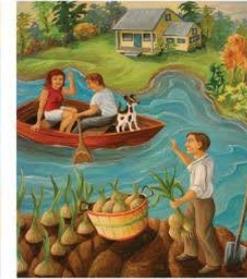
86<sup>th</sup> and Cherokee Water Line



AM10:25:MA 2/21/2012

# FY 13-14 Budget in Brief

- ▣ Included in August 2013 Newsletter



"100 years on the River", Acrylic Paintings, by Cathy Fields



## Budget in Brief Fiscal Year 2013-2014

Dear Residents and Businesses of Tualatin,

What an exciting year for the City of Tualatin! As we celebrate our centennial, we are very excited to present to you this year's Budget in Brief which presents highlights of our budget which runs from July 1, 2013 - June 30, 2014. A lot has changed in 100 years, but one constant is the quality services our citizens have come to enjoy and expect from the City. The Adopted Budget continues this trend while continuing to maintain fiscal stability.

This Budget in Brief is meant to give you a simplified overview of the budget, highlights, breakdown of taxes, revenues and expenditures, goals, and the recent survey results. But there is so much information to share, so I encourage you to visit our website and check out the budget in its entirety, and the results of the 2013 Tualatin Community Survey. (A summary of the results will be mailed to all residents and businesses, and will be available on the website in August).

The total adopted budget for FY 2013-2014, including the Tualatin Development Commission, is \$75,024,835, a 3.8% increase from the previous year. Expenditures in all funds (excluding reserves, contingencies and transfers) decreased 2.6%. Overall, the City's revenues, less transfers, declined 2.7%. The 3.17% increase in water rates was the first increase in water rates since 2008.

The Tualatin Development Commission (TDC) has developed excellent projects over the years to reduce blight and ultimately enhance Tualatin's quality of life. There are cash balances available to complete projects that were already being funded or are on the urban renewal project list.

I hope you enjoy this year's Budget in Brief.

Sheriyn Lombos, City Manager



### The Budget Committee

#### Citizen Members

Dan Gaur  
Del Judy  
Candice Kelly  
Roger Mason  
Mike Riley  
Terri Ward  
Diane Buisman

#### City Council Members

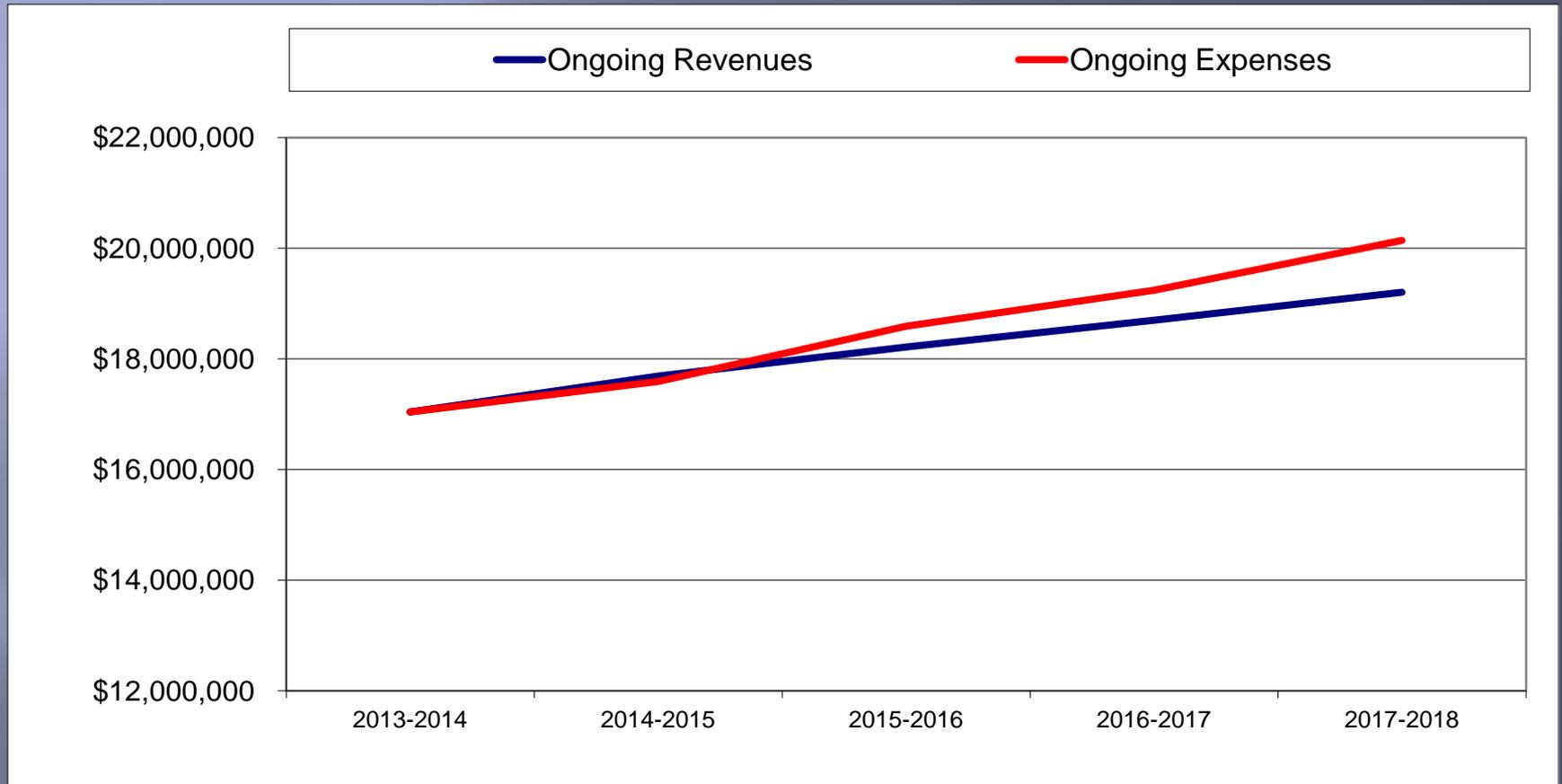
Lou Ogden, Mayor  
Monique Belkman  
Wade Brooksby  
Frank Bubenik  
Joelle Davis  
Nancy Grimes  
Ed Truax

**City of Tualatin**  
18880 SW Martinazzi Ave.  
Tualatin OR 97062  
503-692-2000

[www.tualatinoregon.gov](http://www.tualatinoregon.gov)

To view the complete budget, please visit our website at [www.tualatinoregon.gov](http://www.tualatinoregon.gov), or scan the QR code.

# Fiscal Health Update



# Questions?



*City of Tualatin*



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** William Harper, Senior Planner  
Aquilla Hurd-Ravich, Planning Manager

**DATE:** 08/12/2013

**SUBJECT:** Petition Requesting Annexation of Property at 17905 SW Pacific Hwy. (Tax Map 2S15C, Tax Lot 2200) and Withdrawing the Territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-13-01)

---

### **ISSUE BEFORE THE COUNCIL:**

A petition for annexation of a property known as Tax Lot 2200 on Washington County Assessor's Map 2S1 15C located at 17905 SW Pacific Hwy and withdrawing the territory from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

### **RECOMMENDATION:**

Staff recommends City Council consider the staff report and direct staff to prepare an ordinance granting ANN-13-01 and remove the property from the Washington County Enhanced Sheriff Patrol and Washington County Urban Road Maintenance District.

### **EXECUTIVE SUMMARY:**

- This matter is a quasi-judicial public hearing.
- This matter is a petition for an Expedited Annexation.
- The applicant is Keith S. Benjamin of Schwabe, Williamson & Wyatt and representing the Estate of Loretta Garcia and Executor Daniel Garcia, the owner of the 0.62 acre, Tax Lot 2200 (Map 2S115C) 17905 SW Pacific Hwy. The application includes annexation of the abutting SW Pacific Highway (Oregon State Highway 99W). A Vicinity Map and a Tax Map are included as Attachments 101 & 102A respectively. The applicant's materials are included as Attachment 103A and 103B.

The application states:(Attachment 103B)

"For financial and estate related reasons, Daniel Garcia intends to sell the property and relocate with his brother David. With the future sale of the property in mind, Daniel

Garcia adheres to the philosophy that the highest value of the property is that of a redevelopment project because the current use of the subject property is an underutilized and unorganized mix of commercial and residential improvements."

"This proposed annexation is an attempt to better position the subject property for taking advantage of the immediate area's redevelopment possibilities and a general uptick in the real estate market. Effective marketing of the subject property, including the ability to assert that the property is currently zoned General Commercial by the City of Tualatin, will provide Daniel Garcia the opportunity to maximize the value of the longtime family property."

"Daniel Garcia does not have a concept for what redevelopment will look like or when it will actually occur. However, Daniel Garcia is sensitive to the City's request to have the non-conformities addressed to the satisfaction of the City. To that end, Daniel Garcia will make arrangements to have the billboard removed from the property in five years in the event the property is not redeveloped."

- The applicant conducted a neighborhood/developer meeting on September 7, 2012 to explain the proposal to neighboring property owners and to receive comments. Besides the applicant, two citizens of nearby residential areas attended. Questions regarding development plans for the property were answered.
  
- The subject property is adjacent to the City of Tualatin on SW Pacific Hwy. frontage and on the SW property line. The property is occupied by four existing structures and the listed uses and improvements:
  - Two residential buildings (Attachment 102B- A, B)
  - A multi-tenant commercial building (Attachment 102B-C)
  - A garage or shed (Attachment 102B-D)
  - A pole sign (Attachment 102B-E)
  - Existing uses include residential, commercial and outdoor storage of vehicles and material (Attachment 102B-F).
  - Existing access points include unpaved ingress and egress from Highway 99W (G) and adjoining unpaved access to Tax Lot 2203 (Nacho Mama's Restaurant) (Attachment 102B-H). The status of the shared access easement is undetermined.
  - On-site parking areas (Attachment 102B-I).
  
- When annexed, the property will be in the General Commercial (CG) Planning District. The Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the Subject Property upon annexation are as follows:
  - General Commercial (CG) Planning District (TDC 54);
  - Community Design (73);
  - Public Improvements (TDC 74);
  - Access Management (TDC 75);
  - Sign Regulations (TDC 38).
  
- In respect to the above TDC standards:
  - a) The existing pole sign (Attachment 102B-E) exceeds the maximum dimensions as defined by TDC 38.220 Signs Permitted in the General Commercial Planning District. Current code allows one freestanding pole sign with a maximum 15-foot sign height and 40 square feet of sign face area. The pole sign is subject to a Lease with the Subject Property Owner (January 1, 2007 Amended April 1, 2013) and is identified in the

Washington County Tax Records as account R2163085 and the lease holder identified as Clear Channel Outdoor Inc.

- b) Residential uses are not permitted in the General Commercial Planning District, TDC 54.
- d) Outdoor storage is only allowed as a conditional use as per TDC 54.030 General Commercial Conditional Uses and in conjunction with screening as required by TDC 73.160(4) Community Design Standards for Service, Delivery and Screening.
- e) Existing Access:
  - i. Ingress and egress from Highway 99W do not meet requirements of TDC Chapters 73 Community Design, 74 Public Improvements, and 75 Access Management for paving, access design, access control, access location, and shared access.
  - ii. Shared access to the adjoining Tax Lot 2203 does not meet requirements of TDC 73 Community Design for paving, design, and shared access requirements.
  - iii. Parking areas do not meet requirements of TDC Chapters 73 Community Design and 74 Public Improvements for paved surfaces, curbing, striping, landscaping or surface water management facilities.
- f) Other design standards will apply when the property is redeveloped including but not limited to TDC 73 that requires pedestrian facilities connecting buildings and Highway 99W.

The non-conforming uses and improvements on the property that are listed above are subject to the applicable Non-conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and TDC 35.200. Non-conforming uses, structures and signs are allowed to remain or continue on a property subject to the requirements of TDC Chapter 35.

- The Applicant has prepared material that addresses the Annexation approval criteria (Attachment 103A, 103B). The submitted application contains all the necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045. Staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 104).
- The property owner worked with City staff to prepare an Annexation Agreement that addresses the adequacy and suitability of existing improvements on the Subject Property for existing and future development on the property. The proposed Garcia Property Annexation Agreement will establish the uses and property improvements that upon redevelopment shall be brought into conformance with the Tualatin Development Code (TDC) and Municipal Code and shall waive the provisions of Non-conforming Uses, Structures and Signs of TDC Chapter 35 for the specified uses and property improvements.

The Garcia Property Annexation Agreement will be considered by the City Council as a General Business item on the August 12, 2013 Meeting Agenda. If approved by the Council and signed by the property owner, the stated terms of Annexation Agreement will apply to the Subject Property when the proposed annexation becomes effective.

- The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is within the service boundary of Clean Water Services (CWS), the Washington County stormwater management and sewage treatment agency.
- The applicable policies and regulations that apply to the annexation of a property in the CG Planning District include: TDC 4.050 General Growth Objectives; TDC 6.030 Commercial

Planning District Objectives; TDC 31.067 Procedure for Annexing Territory to the City Limits; TDC 54.010 CG Planning District Purpose. The Analysis and Findings (Attachment 105) considers the applicable policies and regulations.

- Before granting the proposed annexation, the City Council must find that the annexation conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes [TDC 31.067(5)]. The Analysis and Findings (Attachment 105) examines the application in respect to the requirements for granting an annexation. Staff finds that the annexation meets the applicable criteria.

### **OUTCOMES OF DECISION:**

Granting the Annexation petition will result in the following:

1. The property and any abutting public right-of-way (ROW) are annexed to the City of Tualatin and designated in the General Commercial (CG) Planning District.
2. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.
3. This action will implement the August 12, 2013 Annexation Agreement between the City and the Property Owner.

Denial of the Annexation petition will result in the following:

1. The property and abutting ROW will remain outside the City of Tualatin and will remain as unincorporated Washington County territory.

### **ALTERNATIVES TO RECOMMENDATION:**

The alternatives to the staff recommendation for the Council are:

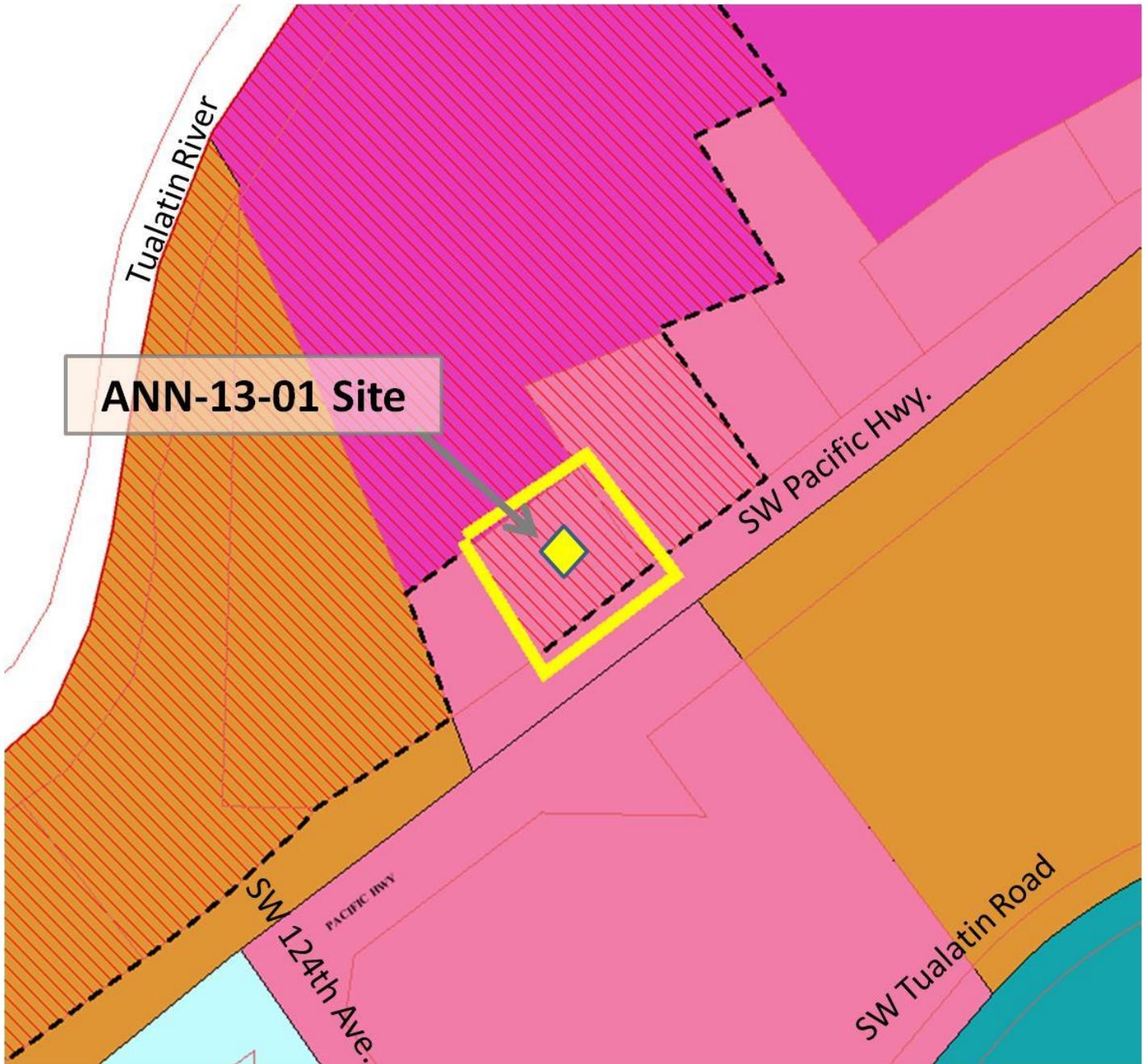
- Deny the petition for the annexation.
- Continue the discussion of the annexation and return to the matter at a later date.

### **FINANCIAL IMPLICATIONS:**

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

---

**Attachments:**    [101 - Vicinity Map](#)  
                          [102A - Tax Map](#)  
                          [102B - Annexation Site Improvements Aerial Photo](#)  
                          [103A - Application Packet](#)  
                          [103B - April 3 Applicant Letter](#)  
                          [104 - Analysis and Findings](#)  
                          [105 - Slide Presentation](#)



SW1/4 SECTION 15 T2S R1W W.M.

2S 1 15C  
TUALATIN

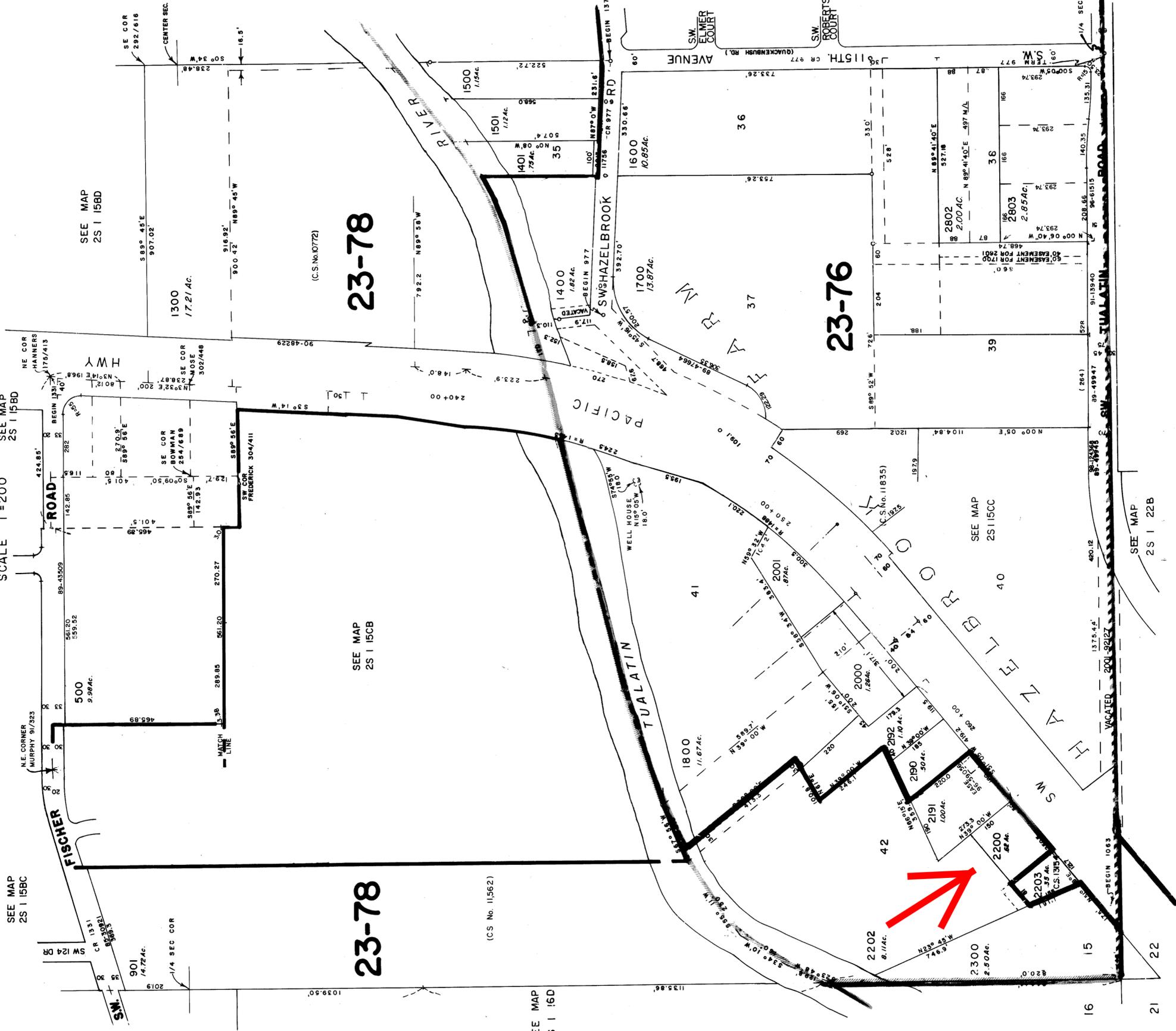
WASHINGTON COUNTY OREGON

SEE MAP  
2S 1 15BC

SCALE 1"=200'

SEE MAP  
2S 1 15BD

CANCELLED TAX LOTS  
2700, 704, 702, 1102, 600,  
706, 708, 709, 707, 705,  
708, 709, 702, 703, 700, 700,  
1000, 1701, 2600, 2601, 2800,  
1800, 2002, 2100, 1101, 1301,  
100, 2801, 2804, 900, 1100, 1200,  
1601, 1701, 2400, 2401, 2200-41,



SEE MAP  
2S 1 15BD

23-78

23-78

23-76

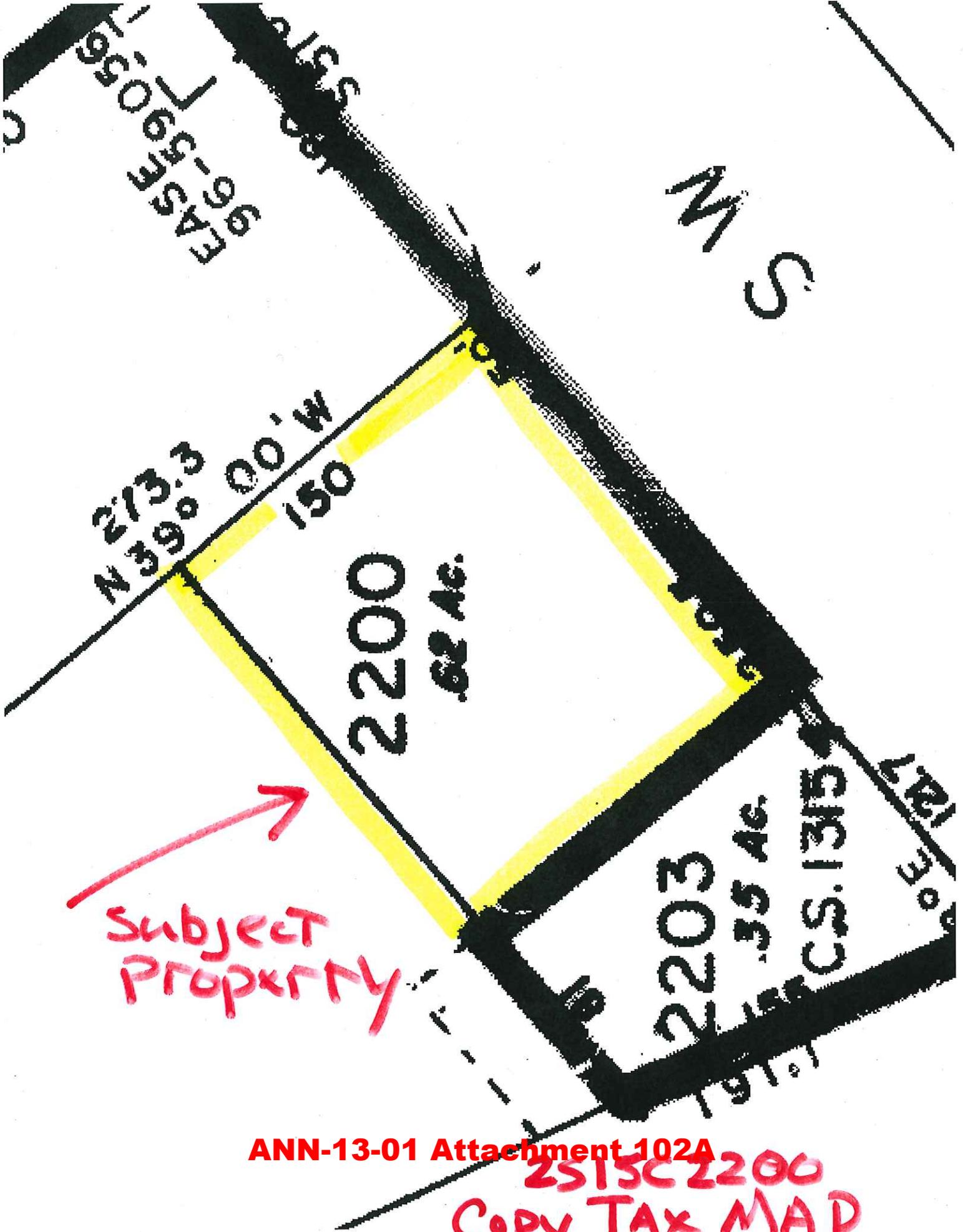
SEE MAP  
2S 1 15D

FOR ASSESSMENT  
PURPOSES ONLY  
DO NOT RELY ON  
FOR ANY OTHER USE

SEE MAP  
2S 1 15DC

TUALATIN  
2S 1 15C

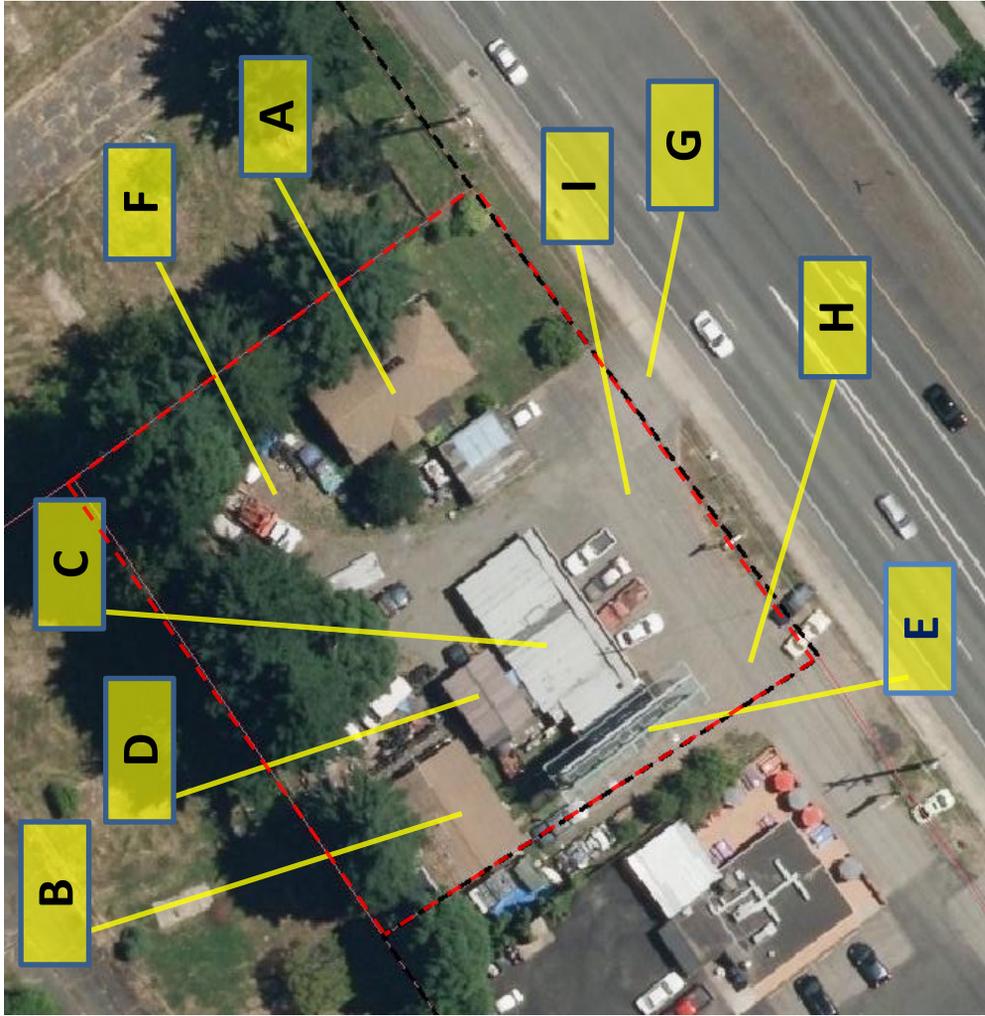
SEE MAP  
2S 1 22B



ANN-13-01 Attachment 102A

2515C2200  
COPY TAX MAP

# Garcia Annexation Site



2S115C002200

Attachment 102B



# City of Tualatin

www.ci.tualatin.or.us

"NECESSARY PARTIES"  
MARKED BELOW

## NOTICE OF APPLICATION SUBMITTAL

- ANNEXATION     
  CONDITIONAL USE PERMIT     
  PLAN TEXT AMENDMENT  
 ARCHITECTURAL REVIEW     
  PLAN MAP AMENDMENT     
  OTHER:

**CASE/FILE: ANN-13-01**

(Community Development Dept.: Planning Division)

<b>PROPOSAL</b>	To Annex .62 Acre property located at 17905 SW Pacific Hwy from unincorporated Washington County to the City of Tualatin. Property owner initiated request for an Expedited Annexation to be considered in a public hearing by the Tualatin City Council. An Annexation Agreement between the petitioner/property owner and the City of Tualatin is proposed and will be considered with the Annexation Request. A public hearing date has not been set at this time.
-----------------	---

<input type="checkbox"/> n/a	<b>Street Address</b>	17905 SW Pacific Hwy
	<b>Tax Map and Lot No(s).</b>	2S1 15C      2200
	<b>Planning District</b>	General Commercial (CG)
	<b>Related Applications</b>	

<b>DATES</b>	<b>Receipt of application</b>	1/28/2013	<b>CONTACT</b>	Name: Will Harper <i>WA</i>
	<b>Notice of application submittal</b>	1/30/2013		Title: Senior Planner
	<b>Project Status / Development Review meeting</b>	2/7/2013		E-mail: wharper@ci.tualatin.or.us
	<b>Comments due for staff report</b>	2/14/2013		Phone: 503-691-3027
	<b>Public meeting:</b> <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a			Notes:
	<b>City Council (CC)</b>	<input type="checkbox"/> n/a		<i>To be determined</i>

### City Staff

- City Manager
- Building Official
- Chief of Police
- City Attorney
- City Engineer
- Community Dev. Director
- Community Services Director
- Economic Dev. liaison
- Engineering Associate
- Finance Director
- GIS technician(s)
- IS Manager
- Operations Director
- Parks and Recreation Coordinator
- Planning Manager
- Street/Sewer Supervisor
- Water Supervisor

### Neighboring Cities

- Durham
- King City Planning Commission
- Lake Oswego
- Rivergrove PC
- Sherwood Planning Dept.
- Tigard Community Dev. Dept.

- Wilsonville Planning Div.

### Counties

- Clackamas County Dept. of Transportation and Dev.
- Washington County Dept. of Land Use and Transportation

### Regional Government

- Metro

### School Districts

- Lake Oswego School Dist. 7J
- Sherwood SD 88J
- Tigard-Tualatin SD 23J (TTSD)
- West Linn-Wilsonville SD 3J

### State Agencies

- Oregon Dept. of Aviation
- Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice)
- Oregon Dept. of State Lands: Wetlands Program
- Oregon Dept. of Transportation (ODOT) Region 1
- ODOT Maintenance Dist. 2A
- ODOT Rail Div.

### Utilities

- Allied Waste Services

- Clean Water Services (CWS)
- Comcast [cable]
- Frontier Communications[phone]
- Northwest Natural [gas]
- Portland General Electric (PGE)
- TriMet
- Tualatin Valley Fire & Rescue (TVF&R)
- United States Postal Service (USPS) (Washington; 18850 SW Teton Ave)
- USPS (Clackamas)
- Washington County Consolidated Communications Agency (WCCCA)

### Additional Parties

- Tualatin Citizen Involvement Organization (CIO)
-



# City of Tualatin

www.ci.tualatin.or.us

## APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

Applicant's Name Keith Benjamin

Applicant's Address 1211 SW 5th Ave. Suite 1900 Portland OR 97204  
(street) (city) (state) (zip code)

Applicant is: Owner  Contract Purchaser  Developer  Agent  Other

Applicant Phone Number: (503) 796-2848 Applicant Fax Number: (503) 796-2900

Applicant Signature: Keith Benjamin Date: 1/16/13

Owner's Name Estate of Loretta L. Garcia Phone (503) 799-2892

Owner's Address 17905 SW Pacific Hwy Tualatin OR 97062  
(street) (city) (state) (zip code)

Owner Phone Number: (503) 799-2892 Owner Fax Number: N/A

Owner recognition of application:

Daniel R Garcia EXECUTOR LORETTA GARCIA  
signature of owner(s) (original required) ESTATE 1/28/12  
Date

Assessor's Map Number 25 1W 15C Tax Lot Number(s) 2200

Assessor's Map Number \_\_\_\_\_ Tax Lot Number(s) \_\_\_\_\_

Assessor's Map Number \_\_\_\_\_ Tax Lot Number(s) \_\_\_\_\_

Address of Property 17905 SW Pacific Hwy Lot Area .62 acres

Current County Zone FD-10 Proposed City Planning District CG

Current Use Commercial / Residential Proposed Use Commercial / Residential

Rights-of-Way to be Included: N/A

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

Name Keith Benjamin Date 1/16/13 Phone (503) 796-2848

Address 1211 SW 5th Ave. Suite 1900 Portland OR 97204  
(street) (city) (state) (zip code)

### FOR STAFF USE ONLY:

Case # ANN-13-01 Received By WTF

City Filing Fee \$1365.00 Receipt # 309386

Date Received 1.28.2013 Complete Date \_\_\_\_\_

## PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

<b>The consent for annexation is for the following described property:</b>	
17905 SW Pacific Highway, Tualatin, OR 97062	
Street Address of Property (If address has been assigned)	
Hazelbrook Farm, Lot 42	
Subdivision Name, Lot Number(s), Block Number(s)	
251W 15C 02200	Washington
Map & Tax Lot Number(s)	County

**Signature(s) of Legal Owner(s) and/or Registered Voter(s)**

Signature	Owner initial	Voter initial	Date
ESTATE LORETTA GARLIP Dan Garcia	DG		9/21/12
Owner Authorized Signature	Owner initial	Voter initial	Date
17905 SW Pacific Hwy	(503) 799-2892		Alt Phone
Street Address	Phone		
17905 SW Pacific Hwy	Tualatin, OR	97062	
Mailing Address	City, State, Zip		

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective [ ] indefinitely [ ] until \_\_\_\_\_.

Office Use Only

Date Received \_\_\_\_\_

Ownership Checked \_\_\_\_\_

By \_\_\_\_\_

Signature _____	Date _____
Signature _____	Date _____

If you have questions, call 503-691-3026.





# City of Tualatin

www.ci.tualatin.or.us

## CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25115C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 1/7/13

**ANNEXATION CERTIFIED**

BY TF

JAN 07 2013

WASHINGTON COUNTY A & T  
CARTOGRAPHY



# All County Surveyors & Planners, Inc.

PO Box 955

• Sandy, Oregon 97055

• Phone: 503-668-3151

• Fax: 503-668-4730

## EXHIBIT "A" Legal Description for an Annexation to the City of Tualatin

November 8, 2012

A tract of land located in part of Lot 42 "HAZELBROOK FARM" in the Southwest 1/4 of Section 15, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, described as follows:

**Commencing** at the Southwest corner of Section 15, point also being the Southwest corner of Lot 42 "HAZELBROOK FARM"; thence North 89°52'00" East, a distance of 143.40 feet to a point on the Westerly right-of-way line on the SW Pacific Highway (Highway 99); thence North 51°48'00" East along said Westerly right-of-way, a distance of 296.70 feet to the Southeast corner of Fee No. 02-119631 and the **True Point of Beginning**; thence continuing along the said Westerly right-of-way line, North 51°48'00" East, a distance of 128.80 feet to an angle point in said right-of-way; thence continuing along the said Westerly right-of-way line North 51°05'00" East, a distance of 50.70 feet to the Southwest corner of Fee No. 07-033192, Parcel 1; thence leaving said right-of-way line North 39°00'00" West along the Westerly line of said Fee No. 07-033192, Parcel 1, a distance of 150.00 feet; thence South 51°05'00" West, parallel with the SW Pacific Highway, a distance of 49.54 feet; thence South 51°48'00" West, parallel with the SW Pacific Highway, a distance of 127.86 feet to the Northeast corner of Fee No. 02-119631; thence South 38°12'00" East, along the Easterly line of said Fee No. 02-119631 a distance of 150.00 feet to the Southeast corner of said Fee No. 02-119631 also being a point on the Westerly right-of-way line of the SW Pacific Highway, and the **True Point of Beginning**, containing 26,768 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Ray L. Moore*  
OREGON  
JULY 15, 2003  
RAY L. MOORE  
49710

RENEWAL DATE: 12/31/12

**ANNEXATION CERTIFIED**

BY RF

JAN 07 2013

WASHINGTON COUNTY A & T  
CARTOGRAPHY

Affiliated: Professional Land Surveys of Oregon • American Congress of Surveying and Mapping





# City of Tualatin

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## CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners\* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME TED FOSTER

TITLE GIS TECH

ANNEXATION CERTIFIED

DEPARTMENT CARTOGRAPHY

BY TF

COUNTY OF WASHINGTON

JAN 07 2013

DATE 1/7/13

WASHINGTON COUNTY A & T  
CARTOGRAPHY

\*Owner means the owner of the title to real property or the contract purchaser of the real property.

## CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME \_\_\_\_\_

TITLE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_

COUNTY OF \_\_\_\_\_

DATE \_\_\_\_\_



**WASHINGTON COUNTY**  
**OREGON**

**CERTIFICATION OF REGISTERED VOTERS  
FOR ANNEXATION PURPOSES\***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

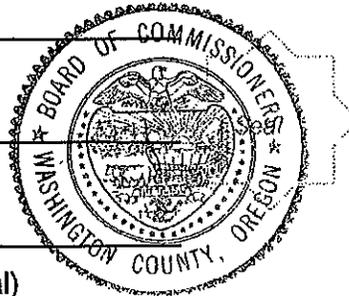
- 1 Number of signatures of individuals on petition.
- 2 Number of active **registered voters** within the territory to be annexed.
- 1 Number of **VALID signatures of active registered voters**, within the territory to be annexed, on the petition.

Tax lot number(s): 1S115C002200

DIVISION: ELECTIONS  
COUNTY: WASHINGTON

DATE: January 17, 2013  
NAME: Angie Muller  
TITLE: Administrative Specialist II

Angie Muller  
(Signature of Election Official)



\*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

**Department of Assessment & Taxation, Elections Division**  
3700 SW Murray Blvd, Suite 101 MS3; Beaverton OR 97005-2365  
Phone: (503) 846-5800 Fax: (503) 846-5810  
Email: [election@co.washington.or.us](mailto:election@co.washington.or.us) [www.co.washington.or.us/cgi/electhom/main.pl](http://www.co.washington.or.us/cgi/electhom/main.pl)



# City of Tualatin

www.ci.tualatin.or.us

## PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

**ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN**

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
---------------------	---------	---

(1) <i>Daniel Garcia</i> ESTATE OF LORETTA GARCIA	17905 SW Pacific Highway 25 1W 15C	
--	---------------------------------------	--

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_



# City of Tualatin

www.ci.tualatin.or.us

## REQUEST FOR EXPEDITED PROCEDURE FOR ANNEXATION TO THE CITY OF TUALATIN

I (We), the undersigned Principle Petitioners, request this Annexation Proposal be approved in an expedited fashion. This request is made pursuant to ORS 222.125 and Metro Code 3.09.045.

*This request is made in addition to and supplements all other requirements for filing an annexation petition.*

Signature of Principal Petitioners	Address	Map and Tax Lot Number
1. ESTATE OF LORETTA GARCIA Daniel Garcia	17905 SW Pacific Hwy Tualatin, OR 97062	25 1W 15C 2200
2.		
3.		
4.		
5.		
6.		
7.		

This form is NOT a petition for annexation. It is only a request to expedite the process. This form must be accompanied by a regular petition and the other forms normally submitted to initiate a proposal.



# City of Tualatin

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## ANNEXATION PROPERTY INFORMATION SHEET

### I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres .62

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

The property is rectangular in shape, and is generally level with landscaping, including trees, along the west and north property lines. The property is not within FEMA's 2005 Flood Insurance Rate map floodplain.

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: Lot 2191: Abandoned trailer park

South: Lot 2203: Restaurant

East: 251W 15CC Lot 200: vacant, or mostly vacant, commercial/office building

West: Lot 2202: Abandoned trailer park

D. EXISTING LAND USE:

No. of single-family units 1 No. of multi-family units 0

No. of commercial structures 2 No. of industrial structures 0

Public facilities or other uses None

What is the current use of the land proposed to be annexed: Single family dwelling and commercial/retail businesses

E. Total current year Assessed Valuation – Land \$ 134,881 Structures \$ 26,689

F. Total existing population 2

G. Is the territory contiguous to the City Limits? Yes

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? inside

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached "Criteria Guidelines" sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

Annexation Application Instructions  
City of Tualatin Community Development Dept - Planning Division

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
  5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
  6. If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;
  7. Consistency with other applicable criteria for the boundary change in question under state and local law.
- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City \_\_\_\_\_

County Washington

Highway Lighting District ODOT 2B

Rural Fire District TVFR

Sanitary District CWS

Water District Chehalam Mountain

Grade School District Tigard - Tualatin

High School District Tigard - Tualatin

Library District \_\_\_\_\_

Drainage District \_\_\_\_\_

Parks & Recreation District \_\_\_\_\_

Other \_\_\_\_\_

- C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please describe.

Water is provided by the City of Tualatin and  
sewer by Clean water Services

APPLICANT'S NAME Keith Benjamin  
MAILING ADDRESS 1211 SW 5<sup>th</sup> Ave. Suite 1900  
Portland, OR 97204  
WORK TELEPHONE (503) 796-2848  
HOME TELEPHONE (503) 591-9626  
REPRESENTING Estate of Loretta Garcia  
DATE 1/16/13

Garcia Annexation Application

**Annexation Property Information Sheet**

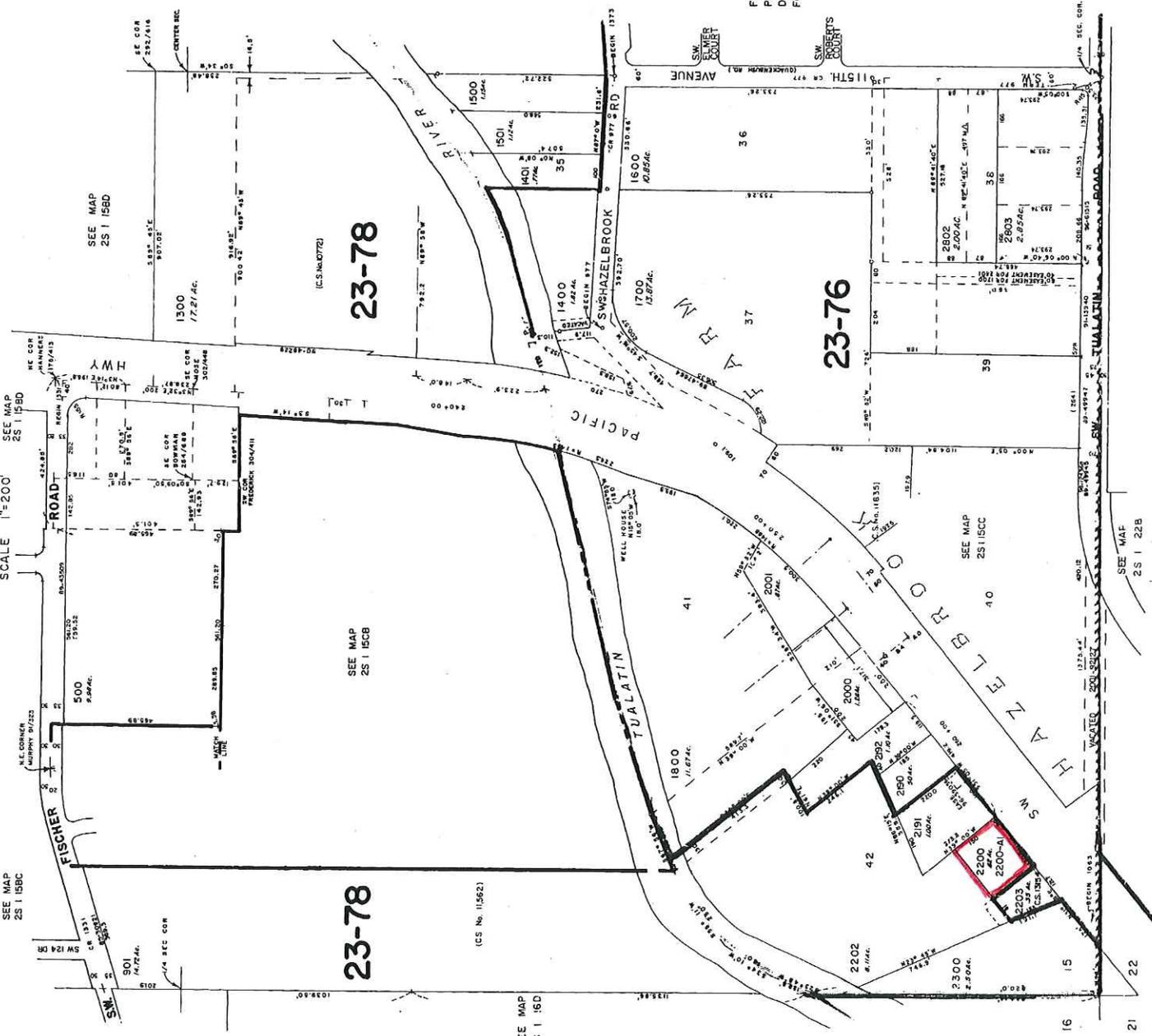
**Responses to Criteria for Approval of Boundary Changes in response to Metro Code 3.09.050(d)**

1. At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider.
2. Annexations within the established Urban Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County and the Urban Growth Management Agreement between City of Tualatin and Clackamas County.
3. Because the area to be annexed is within the City's Planning Area Boundary and the Metro Urban Growth Boundary, services can be provided at the property owner's expense. This is consistent with Tualatin's Community Plan (Comprehensive Plan).
4. The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.
5. State location (address or tax map) and means of service (sewer, water, storm, transportation) provision.
6. Not applicable.
7. No other criteria have been determined to be applicable.

SCALE 1"=200'

SEE MAP 2S 1 15BC  
SEE MAP 2S 1 15BD  
SEE MAP 2S 1 15CC  
SEE MAP 2S 1 15CD

UNSUBMITTED TO THE 1975  
2700, 2701, 2702, 1802, 1803, 1804  
2705, 2706, 2707, 2708, 2709, 2710  
1000, 1701, 2000, 2400, 2800,  
3200, 3300, 3400, 3500, 3600, 3700,  
1801, 1802, 1803, 1804, 1805,  
1806, 1807, 1808, 1809, 1810,



SEE MAP 2S 1 15D

FOR ASSESSMENT PURPOSES ONLY DO NOT RELY ON FOR ANY OTHER USE

SEE MAP 2S 1 15CD

**KEITH S. BENJAMIN**  
LAND USE PLANNER  
Direct Line: 503-796-2848  
E-Mail: kbenjamin@schwabe.com

April 3, 2013

**VIA E-MAIL AND FIRST CLASS MAIL**

Alice Rouyer  
Community Development Director  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Aquilla Hurd-Ravich  
Planning Manager  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Will Harper  
Senior Planner  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Re: Garcia Annexation: City File No.: ANN-13-01

Dear Ms. Rouyer, Ms. Hurd-Ravich, and Mr. Harper:

You have requested that I supplement Mr. Garcia's annexation application with a letter describing the ownership interests in the property and recounting Mr. Garcia's intent for the annexation. Please accept this letter in fulfillment of that request.

**Property Ownership**

Loretta Garcia originally acquired the subject property with her husband Angelo in the 1940s. Mrs. Garcia became the sole owner of the property upon Angelo's death in 1997. In 2005 Mrs. Garcia named Daniel Garcia as her personal representative in her Last Will and Testament ("Will"), and this Will also permitted Daniel Garcia, and his brother David Garcia (to whom Daniel Garcia is a caregiver), to reside on the property as long as they live or until they decide to reside elsewhere. In 2008, Washington County appointed Daniel Garcia as the personal representative of Mrs. Garcia's estate following her death in 2008. Interest in the subject property has remained solely with Mrs. Garcia's estate since 2008. Copies of the Will and the Letters Testamentary have previously been provided to you.

Alice Rouyer  
Aquilla Hurd-Ravich  
Will Harper  
April 3, 2013  
Page 2

During the City of Tualatin's review of the Garcia Annexation Application, Will Harper identified a property tax account number for the subject property that potentially implied Clear Channel Outdoor, Inc. has an ownership interest in the subject property. This tax account number is in addition to the property tax account showing ownership by Mrs. Garcia's estate.

I informed Mr. Harper that the property tax account he identified is associated only with the billboard that presently resides on the property, and is not a result of any ownership interest of the subject property. In addition, I explained that Washington County has the authority to assess taxes on billboards, and this authority is manifested in the creation of a unique property tax account. The relationship between Mrs. Garcia's estate and Clear Channel is, and has always been, that of a landlord and tenant with the billboard functioning as a tenant owned improvement that is separately taxable by Washington County.

### **Purpose of Annexation**

For financial and estate related reasons, Daniel Garcia intends to sell the property and relocate with his brother David. With the future sale of the property in mind, Daniel Garcia adheres to the philosophy that the highest value of the property is that of a redevelopment project because the current use of the subject property is an underutilized and unorganized mix of commercial and residential improvements. In addition to his own interests in selling property, Daniel Garcia is aware that the large adjacent vacant property (owned by Kenneth R. Espedal) has frequently been for sale over the last five years or so, and may again be put up for sale in the near future. Though small in comparison, the subject property can add significant frontage on Pacific Highway to the Espedal property when assembled, making the combined properties more appealing in a redevelopment effort.

Daniel Garcia's interest in preparing to sell the property for a future redevelopment project is magnified by the opportunity created by an assemblage with the Espedal property. Daniel Garcia is not a developer, nor does he intend to be. This proposed annexation is an attempt to better position the subject property for taking advantage of the immediate area's redevelopment possibilities and a general uptick in the real estate market. Effective marketing of the subject property, including the ability to assert that the property is currently zoned General Commercial by the City of Tualatin, will provide Daniel Garcia the opportunity to maximize the value of the longtime family property.

During our meeting on March 20, 2013, you informed me that the City Council will look unfavorably at this annexation proposal without an identification of how and when the property will be redeveloped, especially in the context of the existing nonconformities of the subject property. As stated in this letter, and during our meetings, Daniel Garcia does not have a concept for what redevelopment will look like or when it will actually occur. However, Daniel Garcia is sensitive to the City's request to have the nonconformities addressed to the satisfaction of the City. To that end, Daniel Garcia will make arrangements to have the billboard removed from the property in five years in the event the property is not redeveloped. (This letter assumes any City



Alice Rouyer  
Aquilla Hurd-Ravich  
Will Harper  
April 3, 2013  
Page 3

issued building permits in conjunction with a redevelopment in five years will automatically require the billboard be removed).

We anticipate a proposed Annexation Agreement that incorporates Daniel Garcia's intent for the subject property to the extent it is acceptable to the City.

Sincerely,



Keith S. Benjamin  
Land Use Planner

KSB

cc: Daniel Garcia



## ATTACHMENT 104

### ANN-13-01: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted [TDC 31.067(5)]. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment 103A and 103B) and staff has reviewed the Applicant's material and included pertinent excerpts below.

**A. Metro Code, 3.09.050(d) states that an approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:**

**1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.**

The application states: "At this time, there are no agreements, pursuant to ORS 195.065, in place between Tualatin and any service provider." (Attachment 103A pg. 2) This is an accurate statement. There is not an urban service provider agreement that applies to this property. The application and proposed Annexation Agreement between the City and the property owner are not an annexation plan per ORS 195.065.

Therefore, there are no applicable provisions of an urban service agreement or annexation plan with which the proposed annexation can be reviewed for consistency.

The criterion does not apply.

**2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.**

The application states: "Annexations within the established Urban Growth Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County." Staff concurs with the applicant's statement.

As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the General Commercial (CG) Planning District will be automatically applied to this property on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

The criterion has been met.

**3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.**

The applicable standards or criteria in the Tualatin Development Code for boundary changes are 4.050(20) and 4.050(21). TDC 4.060(1) is also relevant to boundary changes.

**4.050(20)** Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The property will be in the General Commercial (CG) Planning District upon annexation. The property owner initiated the annexation application. The requirement is met.

**4.050(21)** Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is currently within the existing Metro Urban Growth Boundary. The requirement has been met.

**4.060(1)** A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City’s intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City’s intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. As the annexation territory falls within Tualatin’s Planning Area which accounts for future growth so considered a long-range growth boundary, the annexation is in support of the statement contained in TDC 4.060(1).

**4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.**

The application states: “The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for

facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans.” Staff agrees with this statement.

The criterion has been met.

**5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.**

Sanitary sewer service and water services are available in existing lines located in the SW Hwy 99W ROW adjoining the subject property boundary. Currently, there are no public stormwater services in the vicinity of the property and upon development, adequate stormwater treatment, detention and conveyance improvements to serve the property will need to be provided. The applicant was informed of the availability of public facilities at the Annexation pre-application meeting with City staff.

Future street rights-of-way, including their functional classifications and prospective alignments, were established as part of Tualatin’s Transportation System Plan, which is incorporated into Chapter 11 of the Tualatin Development Code. State of Oregon planning rules stipulate the Transportation System Plan must be based on the current Comprehensive Plan land use map and must also provide a transportation system that accommodates the expected 20-year growth in population and employment that will result from implementation of the land use plan. Although actual alignment of roadways may be negotiated during the development process, the general capacity needs and the associated alignments of the transportation system in Tualatin have been established and planned for in the Tualatin Development Code. Existing and future arterials, collectors, and expressways that are in the general vicinity of the subject property have been established as part of the Transportation System Plan.

The general alignment and potential functional classification of these roads can be found in Figure 11-1 Tualatin Functional Classification Plan, in Chapter 11 of the TDC. SW Pacific Highway/99W is an Oregon Department of Transportation (ODOT) facility. The annexation itself will not have any effect on roadway needs. However, it is determined that because the roadway network and capacity planning has already been established as part of Tualatin’s Transportation planning process, future development will not interfere with the provision of this type of service in the area. The ability of the transportation facilities, including SW Pacific Highway, to serve development on the subject property and the need for street improvements to serve the property will be determined in a land use process when development is proposed.

A proposed annexation agreement between the “Property Owner” addresses the orderly provision of services and the adequacy and suitability of existing improvements on the Subject Property for existing and future development on the property. The orderly provision of services is ensured by removing several non-

conformities on the property at the time of development. The proposed Garcia Property Annexation Agreement will establish the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code (TDC) and Municipal Code and will waive the provisions of Non-conforming Uses, Structures and Signs of TDC Chapter 35 for the specified uses and property improvements.

Staff finds that because the subject property can be served by these public facilities, the annexation will not interfere with the timely, orderly and economic provision of public facilities and services.

The criterion has been met.

**6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.**

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

**7) Consistency with other applicable criteria for the boundary change in question under state and local law.**

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro Urban Growth Boundary. The criterion has been met.

ORS 222.111(1) states, "When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies."

The subject property is not currently within a city. The property proposed for annexation is contiguous to Tualatin on two sides.

This criterion has been met.

ORS 222.520(1) states, "Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the

district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this criterion is met.

**B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”**

The subject property (2S1 15C Tax Lot 2200 and adjoining SW Pacific Highway ROW) is currently within Metro’s Urban Growth Boundary at the time the petition for annexation was filed on January 28, 2013.

The criterion has been met.

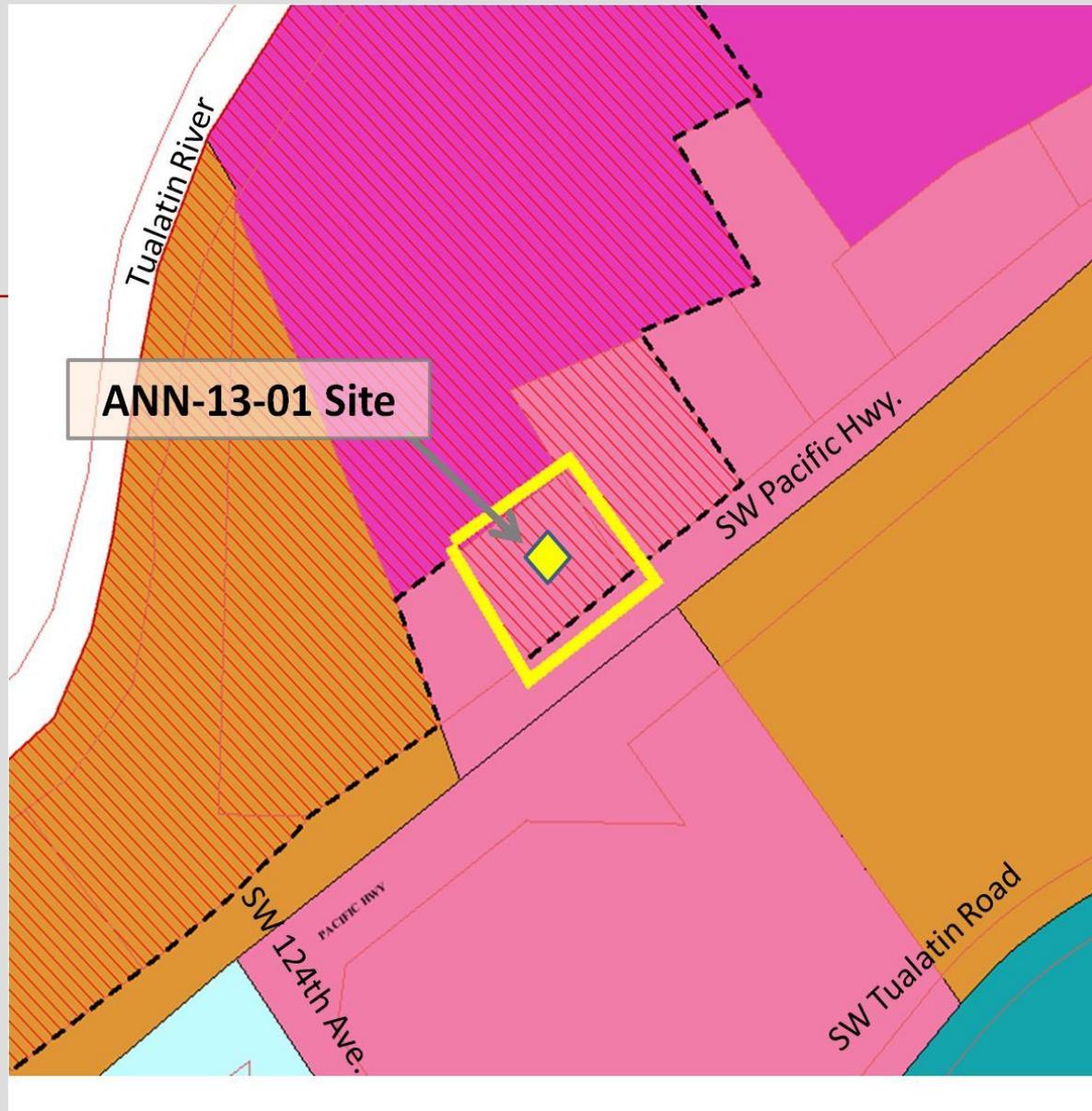
**C. Conclusion**

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.

**Annexation  
ANN-13-01  
Garcia Property**

**August 12, 2013**







# ANN-13-01 Oblique View







# Annexation Request

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- Petition by property owner to annex the .62 Acre subject property.
- Property will be designated in the General Commercial (CG) Planning District.



# Annexation Agreement

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- A proposed Annexation Agreement between the City and the Property Owner will address existing non-conforming uses, structures and signage.



# Conclusion

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- Analysis and Findings show the Loretta Garcia Estate Petition meets Annexation requirements TDC 31.067.



# Conclusion

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The Annexation Agreement establishes requirements for non-conforming uses, structures and signage when redevelopment of the subject property occurs. The agreement will address concerns about:

- The presence of a large "billboard" sign on the property;
- Prospects of incremental development without adequate improvements such as access to SW Pacific Hwy, shared access, sidewalks, parking, paving and landscaping;
- Continued non-conforming uses such as residential in a General Commercial Planning District.



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** William Harper, Senior Planner  
Aquilla Hurd-Ravich, Planning Manager

**DATE:** 08/12/2013

**SUBJECT:** Consideration of **Resolution No. 5160-13** Authorizing Execution of an Annexation Agreement With the Estate of Loretta Garcia to Govern Annexation of .62 Acres of Land Located at 17905 SW Pacific Hwy (Tax Map 2S1 15C Tax Lot 2200)

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### **ISSUE BEFORE THE COUNCIL:**

Consideration of a resolution to authorize execution of an Annexation Agreement with the Estate of Loretta Garcia to govern the annexation of land located at 17905 SW Pacific Hwy. Tax Map 2S1 15C Tax Lot 2200.

### **RECOMMENDATION:**

Staff recommends that the Council consider the attached resolution (Attachment 101), authorizing the Annexation Agreement (Attachment 102A, B).

### **EXECUTIVE SUMMARY:**

The Estate of Loretta Garcia (represented by Daniel Garcia, Executor) owns 0.62 acres of land located outside the City on the northwest side of SW Pacific Hwy ( the "Subject Property") (Attachment 103). Currently, the property is occupied by four existing structures including two residential buildings (A, B), a multi-tenant commercial building (C), a garage or shed (D), and a large pole sign (E).(Attachment 102B).

The Owner has applied to the City for annexation of the Subject Property (ANN-13-01). When annexed, the property will be designated in the General Commercial (CG) Planning District. The applicant indicates he is preparing to offer the property for sale for redevelopment and the intent of annexation is to "...better position the subject property for taking advantage of the immediate area's redevelopment possibilities..." (Attachment 104B, pg. 2). A public hearing for the Annexation is scheduled for August 12, 2013.

The Annexation process does not provide opportunity to address non-conforming use, structure or sign issues and conformance with public facility standards that would arise following annexation into the City and with development or redevelopment. Due to the presence of

non-conforming uses, structures, signs, access, and other improvements on the property, the Community Development Department requested that the applicant participate in an Annexation Agreement. The proposed annexation agreement is a product of work by the applicant and City staff over the past several months.

The purpose of this annexation agreement is to:

- Identify existing uses, buildings, structures, signs, access, paving, landscaping and other improvements on the property;
- Identify the standards and requirements from the Tualatin Development Code and Municipal Code that will apply to the Subject Property upon annexation and at the time of redevelopment;
- Establish the uses and property improvements (Attachment 102A, 102B) that upon redevelopment shall be brought into conformance with the Tualatin Development Code and Municipal Code and shall waive the provisions of Non-conforming Uses, Structures and Signs of Tualatin Development Code Chapter 35 for the specified uses and property improvements.
- Address concerns about the presence of a large "billboard" sign on the property; incremental development without adequate improvements such as access to SW Pacific Hwy, shared access, sidewalks, parking, paving and landscaping; continued non-conforming uses such as residential in a General Commercial Planning District.

The City, in coordination with the property owner, has drafted an Annexation Agreement, which is attached as Exhibit A to the Resolution (Attachment 102A, 102B). In preparation of the Annexation Agreement, the applicant has agreed to a 2 1/2 year period for removal of the large poles sign from the property or upon redevelopment.

The terms of the proposed Annexation Agreement are as follows:

- Identifies existing non-conforming uses, access, structures and signage on Subject Property.
- Owner agrees to remove existing pole sign prior to submitting an Architectural Review for any redevelopment on the property or prior to December 31, 2015, whichever occurs first.
- Owner waives any rights and privileges under Non-Conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and 35.200.
- Any change to uses, site or buildings on the property will initiate redevelopment of entire property and require Architectural Review subject to the standards and requirements of the TDC at the time. All existing structures, signs uses and access and facilities on the property will be removed or demolished.
- The agreement is binding on the property owner of record and on the heirs, successors and assigns.

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

Approval of the Resolution authorizing the proposed Annexation Agreement between the City and the Property Owner will result in the following:

1. Authorizes the City to execute the proposed Annexation Agreement.
2. When signed by the Property Owner and the City, the Agreement will apply to the property upon annexation.



RESOLUTION NO. 5160-13

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH THE ESTATE OF LORETTA GARCIA FOR .62 ACRES OF LAND LOCATED AT 17905 SW PACIFIC HWY TAX MAP 2S1 15C TAX LOT 2200

WHEREAS the Estate of Loretta Garcia, represented by Daniel Garcia, Executor, has applied to the City for annexation of the 62 acres of land located outside of the City on the northwest side of SW Pacific Hwy (Tax Map 2S1 15C, Tax Lot 2200); hereafter called the "Subject Property"; and

WHEREAS the Subject Property is occupied by four existing structures including two residential buildings, a multi-tenant commercial building, a garage or shed and a large pole sign; and

WHEREAS the applicant indicates he is preparing to offer the property for sale for redevelopment and there are a number of non-conforming uses, structures or sign issues and conformance with public facility standards that would arise from development or redevelopment of the current property; and

WHEREAS the Annexation Process does not provide an opportunity to address these issues; and

WHEREAS the Annexation Agreement is meant to provide an avenue to address the existing issues, identify the standards and requirements from the TDC and TMC that will apply to the Subject Property upon annexation and redevelopment, and establish the uses and property improvements that upon redevelopment shall be brought into conformance with the TDC and TMC; and

WHEREAS it is in the public's best interest for the City Council to authorize the Annexation Agreement before the Public Hearing on the Annexation of the Subject Property.

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

Section 1. The City Council authorizes the Mayor to sign the attached agreement as referenced above.

INTRODUCED AND ADOPTED this 12<sup>th</sup> day of August, 2013.

APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
City Attorney

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

ATTEST:

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

**ANNEXATION AGREEMENT  
Garcia Property**

**WHEREAS** the Estate of Loretta Garcia property comprising 0.62 acres of land immediately adjacent to the Tualatin City limits generally located northeast of the intersection of SW Pacific Highway (Hwy 99W) and SW 124<sup>th</sup> Avenue and more commonly known as 17905 SW Pacific Hwy and including Tax Map 2S115C Tax Lot 2200, and legally described in Exhibit A attached hereto (the "Subject Property"); and

**WHEREAS** the Subject Property is land currently owned by the Estate of Loretta Garcia represented by Daniel Garcia ("Owner"); and

**WHEREAS** the Subject Property is located within Tualatin's Planning Area on land designated on TDC Map 9-1 as the General Commercial "(CG) Planning District and on TDC Map 9-4 as Design Type "Corridor" (OC). The Subject Property is adjacent to SW Pacific Highway on the southeast. On southwest and across SW Pacific Hwy to the east are properties within the City boundary and developed. Property to the north and west are outside the city boundary and undeveloped; and

**WHEREAS** it is in the best interests of the public health and safety to determine the adequacy and suitability of improvements on the Subject Property for existing and future development on the property; and

**WHEREAS** on January 28, 2013 the "Owner" submitted a petition for annexation (ANN-13-01) to the City for that purpose and such petition was deemed complete on February 25, 2013; and

**WHEREAS** the City and the "Owner" seek to identify existing uses, buildings, structures, signs, access, paving, landscaping and other improvements on the property; and

**WHEREAS** the City and the "Owner" seek to identify the standards and requirements from the Tualatin Development Code and Municipal Code that will apply to the "Subject Property" upon annexation and at the time of redevelopment. Redevelopment for the purposes of this Agreement is defined as any change to the existing uses or to the existing buildings, structures or site improvements on the Subject Property; and

**WHEREAS** the City and the "Owner" will establish the uses and property improvements (Exhibit B) that upon redevelopment shall be brought into conformance with the Tualatin Development Code and Municipal Code and shall waive the provisions of Non-conforming Uses, Structures and Signs of Tualatin Development Code Chapter 35 for the specified uses and property improvements.

**NOW, THEREFORE**, in consideration of the mutual promises contained below, the City and the “Owner” agree as follows:

1. The “Owner” and City agree the following structures, signs, uses, access, and facilities on the “Subject Property” exist at the time of this Agreement (as seen on Exhibit B):
  - a) Four existing structures:
    - i. Two residential buildings (A, B)
    - ii. A multi-tenant commercial building (C)
    - iii. A garage or shed (D)
    - iv. A pole sign (E)
  - b) Existing uses include residential, commercial and outdoor storage of vehicles and material (F).
  - c) Existing access points include unpaved ingress and egress from Highway 99W (G) and adjoining unpaved access to Tax Lot 2203 (Nacho Mama’s Restaurant) (H). The status of the shared access easement is undetermined.
  - d) On-site parking areas (I).
  
2. The City identifies the Tualatin Development Code (TDC) chapters that will apply to existing structures, signs, uses, access, and facilities on the “Subject Property” as agreed to by the “Owner” and City upon annexation as follows:
  - a) General Commercial (CG) Planning District (TDC 54); Community Design (73); Public Improvements (TDC 74); Access Management (TDC 75); Sign Regulations (TDC 38)
  - b) The existing pole sign (E) exceeds the maximum dimensions as defined by TDC 38.220 Signs Permitted in the General Commercial Planning District. Current code allows one freestanding pole sign with a maximum 15-foot sign height and 40 square feet of sign face area. The pole sign is subject to a Lease with the “Subject Property” “Owner” (January 1, 2007 Amended April 1, 2013) and is identified in the Washington County Tax Records as account R2163085 and the lease holder identified as Clear Channel Outdoor Inc. (See copy of Property Lease, Attachment 104B)
  - c) Residential uses are not permitted in the General Commercial Planning District, TDC Chapter 54.
  - d) Outdoor storage is only allowed as a conditional use as per TDC 54.030 General Commercial Conditional Uses and in conjunction with screening as required by TDC 73.160(4) Community Design Standards for Service, Delivery and Screening.
  - e) Existing Access:
    - i. Ingress and egress from Highway 99W do not meet requirements of TDC Chapters 73 Community Design, 74 Public Improvements, and 75 Access Management for paving, access design, access control, access location, and shared access.
    - ii. Shared access to the adjoining Tax Lot 2203 does not meet requirements of TDC 73 Community Design for paving, design, and shared access requirements.

- iii. Parking areas do not meet requirements of TDC Chapters 73 Community Design and 74 Public Improvements for paved surfaces, curbing, striping, landscaping or surface water management facilities.
  - f) Other design standards shall apply upon redevelopment including but not limited to TDC 73 that requires pedestrian facilities connecting buildings and Highway 99W.
3. The “Owner” agrees to remove the existing pole sign identified in sections 1 and 2 above from the “Subject Property” on or before “Owner” submits for an Architectural Review application for Redevelopment of the “Subject Property” as identified in sections 6 and 7 below or prior to December 31, 2015, whichever occurs first.
4. When the Annexation is effective, the “Subject Property” will be designated in the General Commercial (CG) Planning District.
5. Upon annexation, the “Subject Property” will be subject to the standards and requirements of the Tualatin Development Code. The non-conforming uses and improvements on the property that are listed above will be subject to the terms of this agreement. This agreement supersedes the applicable Non-conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and TDC 35.200.
6. “Owner” waives any and all rights and privileges Owner may have under the applicable Non-conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and TDC 35.200, and acknowledges this agreement supersedes the applicable Non-conforming Use, Structures and Signs provisions in TDC 35.020, 35.030 and TDC 35.200.
7. The “Owner” agrees that following annexation, any change to the existing uses, site or buildings on the “Subject Property” will initiate redevelopment of the entire “Subject Property”. A change in use, alteration or expansion of the buildings or structures of the existing development identified in sections 1 and 2 above will be considered initiation of redevelopment. Removal of the existing pole sign identified in Section 1(a)(iv) and 2(b) in accordance with the terms of Section 3 will not constitute “redevelopment” for the purposes of this section (7).

Redevelopment shall require an Architectural Review of all of the improvements on the “Subject Property” and will be subject to the requirements of the Tualatin Development Code in effect at the time and in accordance with this agreement. With Redevelopment, all existing structures, signs, uses, access, and facilities on the “Subject Property” will be removed or demolished.

8. The "Owner" shall pay any fees required with building permits and public works permits at the time of redevelopment on the Property.
9. This agreement is binding on the property owner of record and on the "Owner's" heirs, successors, and assigns.
10. This agreement is effective upon signing by the City and the "Owner" and shall continue until all conditions of an Architectural Review Decision for redevelopment of the "Subject Property" are met and a Certificate of Occupancy has been issued for the development by the Building Department.

DATED this xx (day) of xxxx (month) '2013.

OWNER:

By \_\_\_\_\_  
Garcia

CITY OF TUALATIN, Oregon

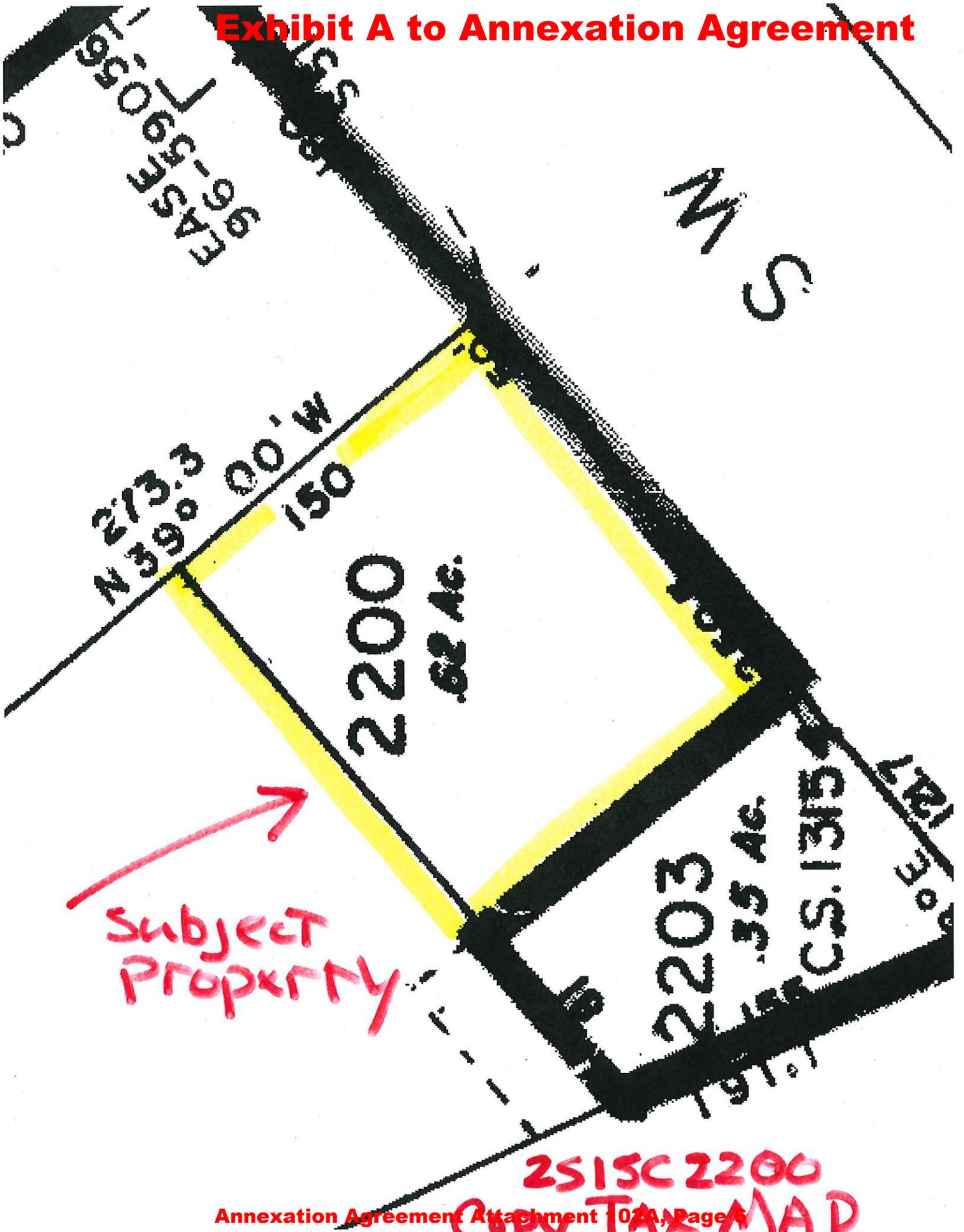
By \_\_\_\_\_  
Mayor

Attest:

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



**Exhibit A to Annexation Agreement**



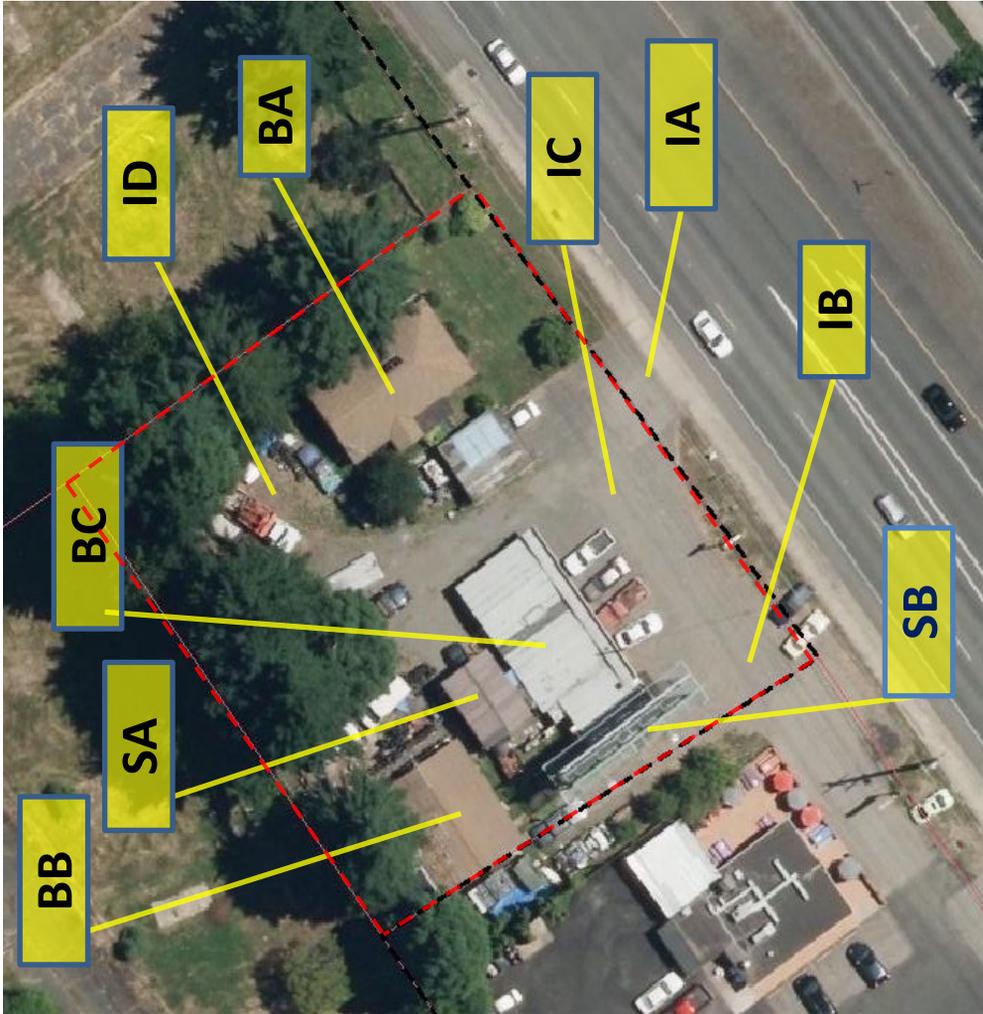
Subject  
Property

2515C 2200

COPY TAX MAP

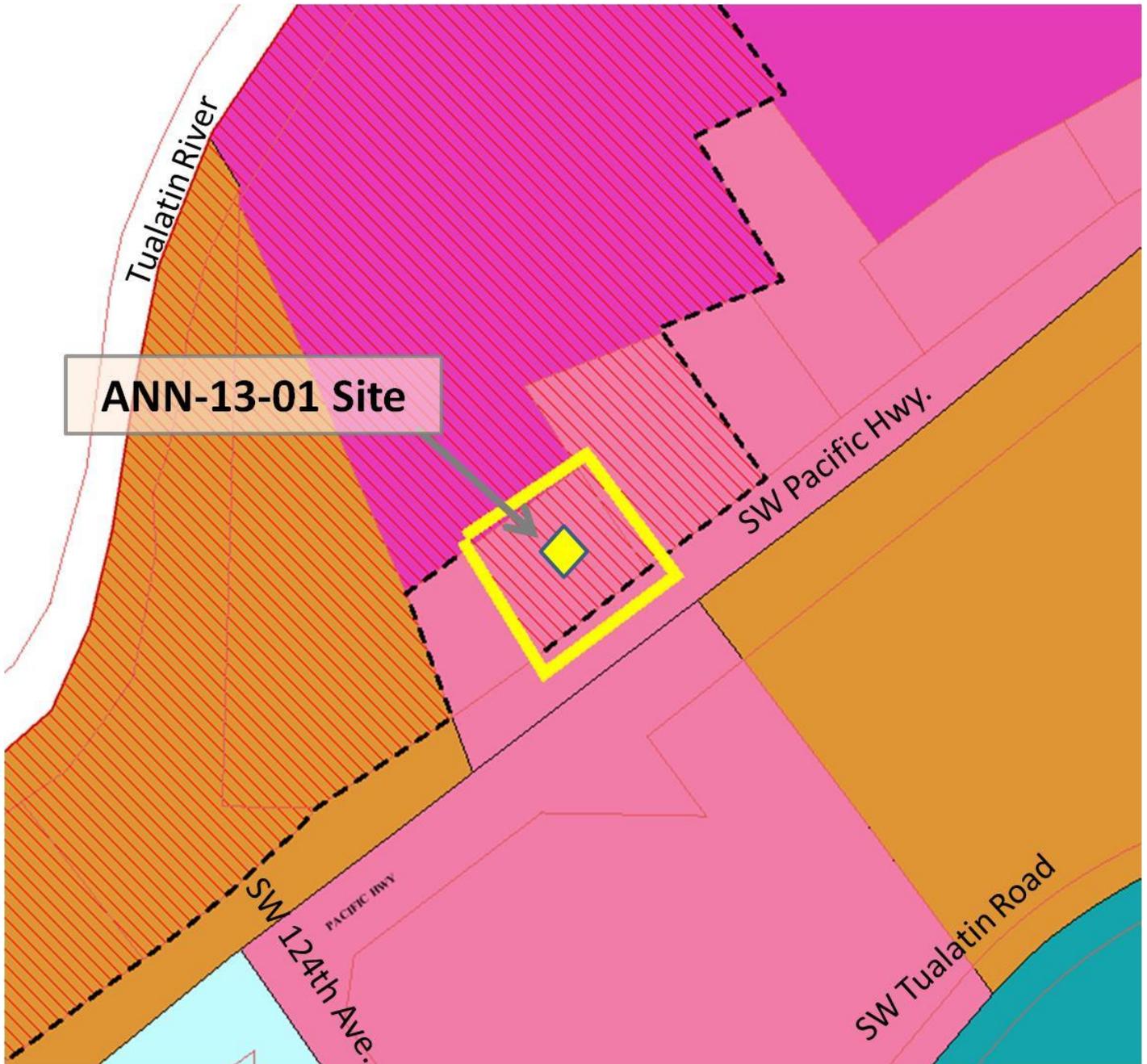
Exhibit B to Annexation Agreement

Garcia Annexation Agreement



2S115C00200

Exhibit B



**KEITH S. BENJAMIN**  
LAND USE PLANNER  
Direct Line: 503-796-2848  
E-Mail: kbenjamin@schwabe.com

April 3, 2013

**VIA E-MAIL AND FIRST CLASS MAIL**

Alice Rouyer  
Community Development Director  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Aquilla Hurd-Ravich  
Planning Manager  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Will Harper  
Senior Planner  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Re: Garcia Annexation: City File No.: ANN-13-01

Dear Ms. Rouyer, Ms. Hurd-Ravich, and Mr. Harper:

You have requested that I supplement Mr. Garcia's annexation application with a letter describing the ownership interests in the property and recounting Mr. Garcia's intent for the annexation. Please accept this letter in fulfillment of that request.

**Property Ownership**

Loretta Garcia originally acquired the subject property with her husband Angelo in the 1940s. Mrs. Garcia became the sole owner of the property upon Angelo's death in 1997. In 2005 Mrs. Garcia named Daniel Garcia as her personal representative in her Last Will and Testament ("Will"), and this Will also permitted Daniel Garcia, and his brother David Garcia (to whom Daniel Garcia is a caregiver), to reside on the property as long as they live or until they decide to reside elsewhere. In 2008, Washington County appointed Daniel Garcia as the personal representative of Mrs. Garcia's estate following her death in 2008. Interest in the subject property has remained solely with Mrs. Garcia's estate since 2008. Copies of the Will and the Letters Testamentary have previously been provided to you.

Alice Rouyer  
Aquilla Hurd-Ravich  
Will Harper  
April 3, 2013  
Page 2

During the City of Tualatin's review of the Garcia Annexation Application, Will Harper identified a property tax account number for the subject property that potentially implied Clear Channel Outdoor, Inc. has an ownership interest in the subject property. This tax account number is in addition to the property tax account showing ownership by Mrs. Garcia's estate.

I informed Mr. Harper that the property tax account he identified is associated only with the billboard that presently resides on the property, and is not a result of any ownership interest of the subject property. In addition, I explained that Washington County has the authority to assess taxes on billboards, and this authority is manifested in the creation of a unique property tax account. The relationship between Mrs. Garcia's estate and Clear Channel is, and has always been, that of a landlord and tenant with the billboard functioning as a tenant owned improvement that is separately taxable by Washington County.

### **Purpose of Annexation**

For financial and estate related reasons, Daniel Garcia intends to sell the property and relocate with his brother David. With the future sale of the property in mind, Daniel Garcia adheres to the philosophy that the highest value of the property is that of a redevelopment project because the current use of the subject property is an underutilized and unorganized mix of commercial and residential improvements. In addition to his own interests in selling property, Daniel Garcia is aware that the large adjacent vacant property (owned by Kenneth R. Espedal) has frequently been for sale over the last five years or so, and may again be put up for sale in the near future. Though small in comparison, the subject property can add significant frontage on Pacific Highway to the Espedal property when assembled, making the combined properties more appealing in a redevelopment effort.

Daniel Garcia's interest in preparing to sell the property for a future redevelopment project is magnified by the opportunity created by an assemblage with the Espedal property. Daniel Garcia is not a developer, nor does he intend to be. This proposed annexation is an attempt to better position the subject property for taking advantage of the immediate area's redevelopment possibilities and a general uptick in the real estate market. Effective marketing of the subject property, including the ability to assert that the property is currently zoned General Commercial by the City of Tualatin, will provide Daniel Garcia the opportunity to maximize the value of the longtime family property.

During our meeting on March 20, 2013, you informed me that the City Council will look unfavorably at this annexation proposal without an identification of how and when the property will be redeveloped, especially in the context of the existing nonconformities of the subject property. As stated in this letter, and during our meetings, Daniel Garcia does not have a concept for what redevelopment will look like or when it will actually occur. However, Daniel Garcia is sensitive to the City's request to have the nonconformities addressed to the satisfaction of the City. To that end, Daniel Garcia will make arrangements to have the billboard removed from the property in five years in the event the property is not redeveloped. (This letter assumes any City



Alice Rouyer  
Aquilla Hurd-Ravich  
Will Harper  
April 3, 2013  
Page 3

issued building permits in conjunction with a redevelopment in five years will automatically require the billboard be removed).

We anticipate a proposed Annexation Agreement that incorporates Daniel Garcia's intent for the subject property to the extent it is acceptable to the City.

Sincerely,



Keith S. Benjamin  
Land Use Planner

KSB

cc: Daniel Garcia



APR 17 2013

AMENDMENT TO LEASE NO: 41322

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

Landlord (Lessor): Loretta Garcia Estate  
Tenant (Lessee): Clear Channel Outdoor, Inc. a Delaware Corporation  
Date of Original Lease: January 1, 2007  
Date of this Amendment: April 1, 2013  
Number of this Amendment: One

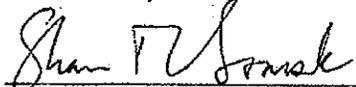
IN CONSIDERATION OF the agreements, covenants, promises, representations and warranties contained herein, and for such other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

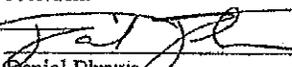
1. Landlord shall have the right to terminate this Lease if the leased Property is to be improved by permanent construction other than an outdoor advertising display(s). Such termination shall be subject to sixty (60) days advance written notice to CCO of such action, and a copy of the site plan and all required building permits issued by the local government authority. This Lease and Addendum will remain in full force and effect in the event of relocation. Notwithstanding anything to the contrary herein, Section 8 of the Lease is not modified hereby.
2. Should landlord annex the property into the City of Tualatin, Landlord shall have the right to terminate the lease 2 years from the date of annexation should redevelopment not occur prior to that date.

Except as provided in this Amendment, the terms of the Lease remain unchanged, and are hereby ratified and confirmed.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the date appearing above.

TENANT:  
CLEAR CHANNEL OUTDOOR, INC.  
a Delaware Corporation

  
Sharr M Stark  
President

  
Daniel Dhruva  
Real Estate Manager

Date: 4.17.13

Clear Channel Outdoor, Inc.  
715 NE Everett  
Portland, OR 97232  
Attention: Real Estate Manager

Phone: 503-232-3111  
Fax: 503-232-7937

LANDLORD:  
LORETTA GARCIA ESTATE

  
Daniel Garcia - Representative of Loretta Garcia  
Estate

Date: 4-17-13

Daniel Garcia  
17905 SW Pacific Highway  
Tualatin, OR 97062

S.S.N./T.I.N: On File  
Phone: 503-799-2892  
Fax:

Amendment: 04/17/13

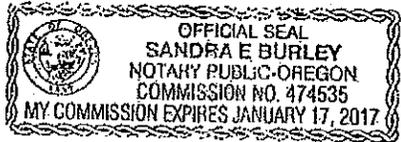
NOTARY FOR TENANT:

State Of Oregon  
County Of Washington

On this 17<sup>th</sup> day of April, 2013  
before me personally appeared SHARR M STARK to me known to be the President of Clear Channel Outdoor, Inc. Portland Division that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Name of Notary: Sandra E. Burley  
NOTARY PUBLIC in and for the State of Oregon residing at: Washington  
My commission expires: 1-17-2017



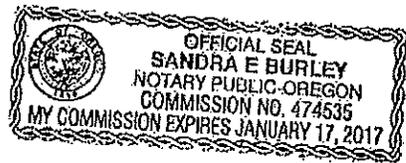
NOTARY FOR LANDLORD:

State Of Oregon  
County Of Washington

On this 17<sup>th</sup> day of April, 2013  
Before me personally appeared DANIEL GARCIA the Representative of Loretta Garcia Estate that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Name of Notary: Sandra E. Burley  
NOTARY PUBLIC in and for the State of Oregon residing at: Washington  
My commission expires: 1-17-2017



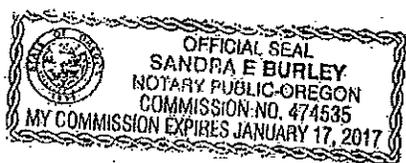
NOTARY FOR TENANT:

State Of Oregon  
County Of Washington

On this 17<sup>th</sup> day of April, 2013  
Before me personally appeared DANIEL BURUVA of Real Estate Manager of Clear Channel Outdoor, Inc. Portland Division that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Name of Notary: Sandra E. Burley  
NOTARY PUBLIC in and for the State of Oregon residing at: Washington  
My commission expires: 1-17-2017



H.B. Investment Group LLC

This Lease is made effective as the 25th day of March by and between Loretta Garcia, ("Landlord") and H. B Investment Group LLC. ("Tenant").

1. Premises. In consideration of the rents, terms, provisions and covenants of this Lease, Landlord hereby leases and grants to Tenant a leasehold interest in a portion of the real property located at 17901 SW Pacific Hwy, Oregon, as more particularly described on Exhibit A (the "Real Property"), which portion is shown on Exhibit A-1 attached hereto and made a part hereof, together with any airspace above the Real Property necessary for the improvements (the "Premises").

2. Permitted Use. Tenant shall use the Premises for the purpose of constructing and maintaining one 14 X 48 or 10.6 X36 Interstate sign on a single pole together with related improvements and equipment, including illumination fixtures (the "Improvements"). Tenant shall have the right to erect, place, replace and maintain the improvements in, on or about the Premises as Tenant deems reasonably necessary from time to time, including the right to post, paint, illuminate and advertise on such improvements, and Tenant acknowledges that the sign pole shall be installed on that portion of the Premises shown on Exhibit A-1. Landlord acknowledges that the location set forth on Exhibit A-1 is approximate and that the drawing is not to scale. Tenant shall indemnify and hold Landlord harmless from all damage to persons or property by reason of any wrongful acts of Tenant or by reason of any accidents resulting from the negligent act of its agents, employees or others employed by Tenant in the construction, alteration, maintenance, repair or removal of the Improvements.

3. Term. The Lease term shall commence (the "Commencement Date") thirty (30) days prior to construction of the sign. Tenant agrees to provide Landlord, written notice of official Commencement Date, and shall terminate ten (10) Lease Years thereafter unless terminated earlier in accordance herewith. A "Lease Year" for purposes hereof shall be a twelve-month period commencing with the Commencement Date and terminating on the last day of the twelfth month thereafter, unless the Commencement Date falls on other than the first day of a month in which event the Lease Year shall commence on the first day of the month following the Commencement Date. The Lease Term shall automatically renew for an additional ten (10) Lease Years unless Tenant gives notice to Landlord of its election to not renew.

4. Rent. Tenant agrees to pay to Landlord, as Rent, the following sums:

- a. Execution Rental Fee. Landlord hereby acknowledges receipt from Tenant of a nonrefundable execution rental fee in the amount [REDACTED] Dollars ([REDACTED] Cash), paid in consideration for the due execution and delivery of this Lease by Landlord to Tenant.
- b. Annual Rent. Tenant agrees to pay Landlord in advance on the first day of each Lease Year during the Term of this Lease the following sums, payable in equal installments.

<u>Lease Year(s)</u>	<u>Annual Rent</u>
One thru Five	[REDACTED]
Six thru Ten	[REDACTED]
Remainder of the Lease	[REDACTED]

Loretta Garcia  
Daniel Garcia PDA

[Handwritten mark]

The first payment will be two year in advanced [redacted] The next payment will be due at the end of the beginning of the third year. *Daniel Garcia P.O.A.*

In the event that this Lease commences or terminates on a day other than the first or 1st day of a calendar month, as applicable, then the rent shall be prorated accordingly.

5. Personal Property. All Improvements, including all structures, equipment and materials placed upon the Premises by Tenant shall not be deemed to be a fixture and shall always remain the personal property of Tenant at all times and may be removed and/or replaced from time to time by Tenant in accordance with the terms of this Lease.

6. Access. Landlord hereby grants Tenant and Tenant's employees, agents and contractors the right to ingress and egress over the Real Property for the purpose of erecting, altering, maintaining, replacing, repairing and removing the improvements at all times during the term of the Lease. Landlord also agrees that Tenant may connect to existing power or bring power across the Real Property (at Tenant's expense) to the improvements. If Tenant connects to existing power, Tenant shall install a flow meter (at Tenant's expense) and pay the costs of such metered power within ten (10) days of receipt of an invoice for such power from Landlord.

7. Termination. In the event that (a) any of Lessee's sign on the premises becomes entirely or partially obstructed or destroyed; (b) the premise cannot safely be used for the erection or maintenance of Lessee's signs thereon for any reason; (c) the view of Lessee's sign is obstructed or impaired in any way by any object or growth on any property or any neighboring property owned or controlled by Lessor; (d) the Lessee is unable to obtain any necessary permits for the erecting and/or maintenance of such sign; (e) as the Lessee may desire; (e) the Lessee be prevented by law from construction and/or maintaining on the premises such sign(s) as the Lessee may desire; then the Lessee, may at its options, terminate the Lease on fifteen (15) day's notice in writing. Lessor agrees thereupon to return to the Lessee any rent paid in advance for the unexpired term.

8. View. Landlord agrees not to obstruct or permit any other person to obstruct the view of the advertising display or improvements in any manner whatsoever and Landlord grants to Tenant an easement for light and air over any contiguous real property owned or controlled by Landlord. Landlord agrees to remove any obstruction within thirty (30) days of receipt of written notice from Tenant. Landlord will allow the tenant to remove (at tenant's expense) any trees that interfere with the sign view from the freeway.

9. Entire Agreement. This Lease contains the sole agreement of the parties relating to the Lease of the above-described Premises. Neither party will be bound by any statement or promises, oral or written, unless such statements, warranties or promises are set forth specifically in the Lease.

10. Representations. Landlord represents and warrants to Tenant that (i) Landlord is the fee simple owner of the Real Property of which the Premises above described are a part, (ii) Landlord has full authority to make this Lease without consent of any other person or entity, (iv) this Lease does not cause a breach or default of any agreement of Landlord pertaining to the Real Property, and (v) there are no hazardous, toxic or other substances of which manufacture, disposal, storage or use is regulated by applicable federal, local, or state rules, ordinances, or laws nor are there any underground tanks in, on or about the Premises. Landlord acknowledges that Tenant is relying on these representations and warranties. Tenant will not allow any construction liens on the property by its contractors.

*Shall be OG POA 10/10/06*

11. Taxes. All personal property tax, real property tax or other tax associated solely with the improvements or the advertising display shall be borne by Tenant.

12. Subordination. Tenant agrees that this Lease may be subordinated to the interest existing and future bona fide third party mortgagees or holders of deeds of trust, provided (i) such subordination is expressly conditioned upon such mortgage or holder not disturbing the rights of Tenant under this Lease. Furthermore, in addition to and not in limitation of any other rights or

*Loretta Garcia  
Daniel Garcia P.O.A.*

remedies of Tenant, in the event that Landlord is in default under any mortgage, deed of trust or other lien, Landlord shall promptly notify Tenant of such default and Tenant shall have the option, but not the obligation, to cure Landlord's default directly with the mortgage or holder and offset the cost of such cure against any sums due Landlord under the Lease.

13. Subleasing and Assignment. Tenant shall have the right to sublease, transfer, or assign this Lease to others including the ownership of the improvements. Notice of such sublease, transfer or assignment will be promptly given by Tenant to Landlord together with a copy of the sublease or assignment of Lease. All the terms and conditions of this Lease shall continue to apply to Landlord, and the subleases, transferee or assignee of Tenant. Landlord will have the option to approve the transfer or assignment but it will not be unreasonable withheld.

14. Permits. Any permits or governmental licenses or other third party approvals which Tenant requires in connection with the improvements shall be at the sole cost and expense of Tenant; however, Landlord agrees to reasonably cooperate with Tenant to obtain such permits and/or licenses. If Tenant, for any reason, does not obtain the building permit or other license or approval in connection with the improvements then Tenant may, upon thirty (30) days prior notice to Landlord, terminate this Lease and neither party shall have any further obligation or liability to the other.

15. Miscellaneous.

- a. The terms and conditions of the Lease shall be interpreted and applied in good faith by the parties. To the extent that Landlord's consent is required by Tenant, Landlord agrees to not unreasonably withhold or delay such consent. Each party agrees not to directly or indirectly attempt to circumvent the intent of this Lease by means of transfers of real property or otherwise which would frustrate the purposes of this Lease.
- b. All of the rights and obligations under this Lease shall apply to and bind the heirs, successors, executors, administrators, transferees, assigns and subleases of the parties hereto. Either party may record this Lease or a memorandum thereof.
- c. Neither party shall be deemed in default hereof unless notice of default has been received by certified mail or overnight recited express mail at the addresses set forth below and the defaulting party fails to cure such default within fifteen (15) days of receipt of such notice. (Either party shall notify the other in writing from time to time of a change of address.) In the event of a default hereunder, the nondefaulting party shall have all rights and remedies at law or in equity, including the right to perform the defaulted obligation at the cost or expense of the other and the right of offset.
- d. This Lease shall be governed by the laws of the State of Oregon.
- e. Subject to the terms of this Lease, Landlord covenants and agrees that Tenant shall have quiet enjoyment of the Premises and Tenant's rights hereunder. Upon expiration or termination of this Lease Tenant shall have the right to remove its improvements in accordance with then billboard industry standards within 30 days.
- f. Landlord shall, within fifteen (15) days of receipt of any notices from any person or entity regarding the improvements, deliver a copy of such notice to Tenant at the address set forth herein by certified, registered or recited overnight express mail.
- g. The prevailing party in any suit, arbitration or legal action shall recover reasonable attorney's fees and all actual costs.

*Soretha Garcia*

*Amiel Garcia P.C.*

h. Tenant will have a right of first refusal to match any offer made to buy the property with like terms and will have 30 day to do so. If the Tenant wishes to waive that right he may do so in writing any time after the offer has been presented to the tenant for their evaluation.

i. H.B. Investment will do the following within 60 day of the construction of the sign: Agree to remove the trees that block the sign completely and install 5 small trees along the fence line as a buffer to the restaurant next store. These will be small trees that don't grow up in to the line of site of the sign and can be trimmed when need be.

3 28 06

By: [Signature] Date: 3-28-06  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_

TENANT:  
H.B. Investment Group, LLC.

By: [Signature] Date: 3-28-06

*[Faint, mostly illegible text from the main body of the document]*

*[Faint, mostly illegible text from the main body of the document]*

EXHIBIT A TO STANDARD BILLBOARD LEASE

by and between

Loretta Garcia and Daniel Garcia P.O.A.

and

Media Investment Group LLC.

LEGAL DESCRIPTION

The following described lot or parcel of land situate, lying and being situate in the County of Clackamas, State of Oregon, to wit:

Ref Parcel # 2S1-15CO-02200 OR 17901-17905 SW Pacific Hwy

*Loretta Garcia*  
*Daniel Garcia*

**EXHIBIT A-1 TO STANDARD BILLBOARD LEASE**

**By and between**

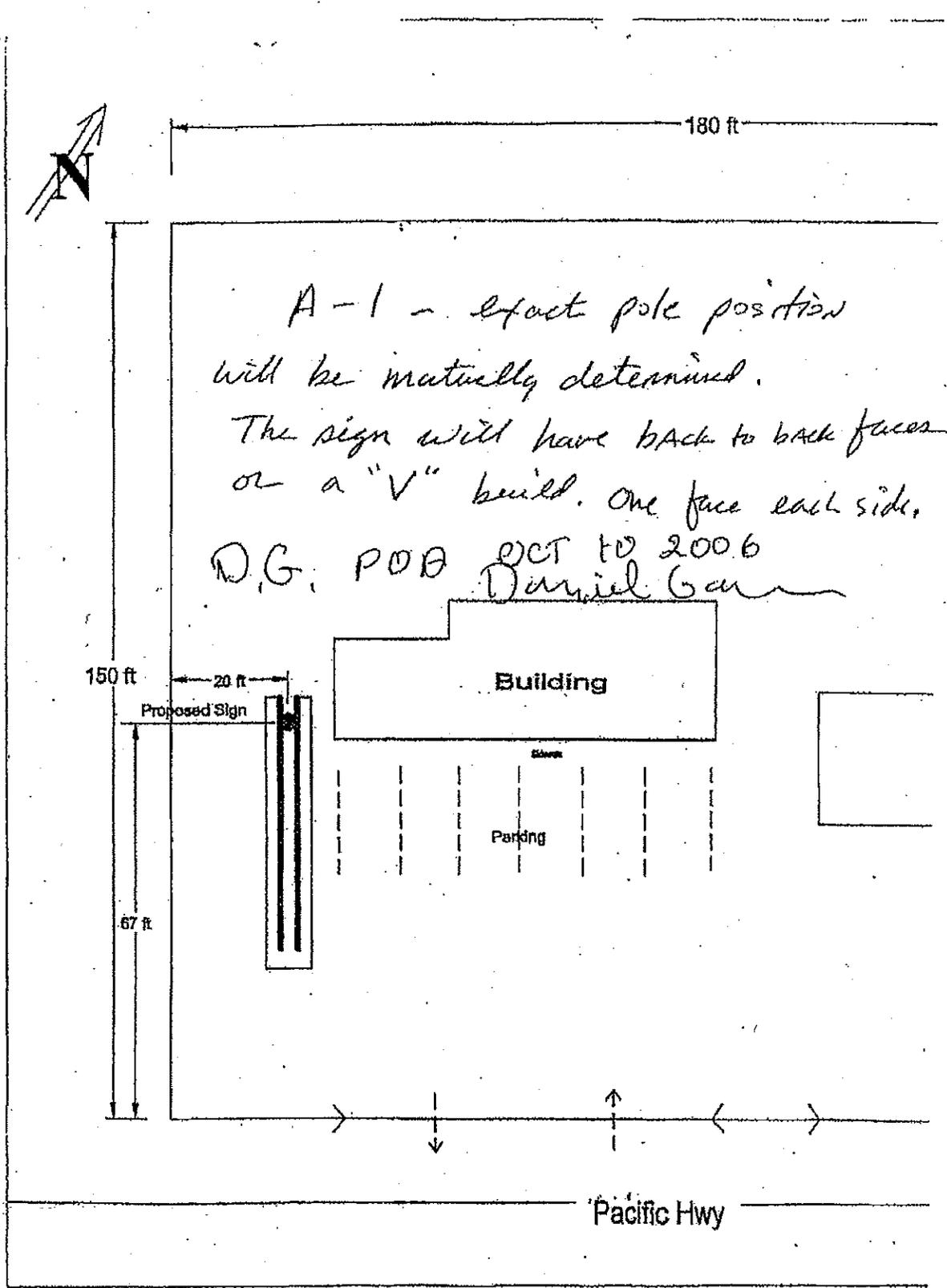
**Loretta Garcia and Daniel Garcia P.O.A.**

**and**

**H.B. Investment Group LLC.**

**LOCATION OF POLE**

*Attached*



*[Faint, illegible handwritten text]*

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
 FOR THE COUNTY OF WASHINGTON  
 PROBATE DEPARTMENT

FILED  
 JUDICIAL DEPARTMENT  
 WASHINGTON  
 08 JUL -8 PM 4:32

ESTATE OF: )  
 )  
 LORETTA L. GARCIA ) NO. C08-0355PE  
 )  
 )  
 ) LETTERS TESTAMENTARY  
 Deceased. )

THIS CERTIFIES that the will of LORETTA L. GARCIA, deceased, has been proved and DANIEL R. GARCIA has/have been and is/are at the date hereof the duly appointed, qualified and acting PERSONAL REPRESENTATIVE(S) of the will and the estate of the decedent.

IN WITNESS WHEREOF, I, as Clerk of the Circuit Court of the State of Oregon, for the County of Washington, in which proceedings for administration upon the estate are pending, do hereby subscribe my name and affix the seal of the Court this 8th day of July, 2008.



WASHINGTON COUNTY CIRCUIT COURT  
 BY: [Signature]  
 COURT CLERK

\*\*\*\*\*  
 STATE OF OREGON )  
 ) ss  
 County of Washington )

I, a Circuit Court Clerk of the State of Oregon for Washington County, do hereby certify that the foregoing copy of Letters Testamentary has been compared by me with the original, that it is a correct transcript therefrom and of the whole of such original Letters Testamentary, as the same appear on file and of record in my office and in my custody and that said Letters are still in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 8th day of July, 2008.



WASHINGTON COUNTY CIRCUIT COURT  
 BY: [Signature]  
 COURT CLERK