



**TUALATIN CITY COUNCIL
AND
TUALATIN DEVELOPMENT COMMISSION**
Monday, March 8, 2010

City Council Chambers
18880 SW Martinazzi Avenue, Tualatin, Oregon

WORK SESSION begins at 5:00 p.m.

REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden

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

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

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

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

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

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

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

- SEE ATTACHED AGENDA -

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

TIME LIMITS FOR PUBLIC HEARINGS

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

EXECUTIVE SESSION INFORMATION

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

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



A. CALL TO ORDER

Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Tualatin Youth Advisory Council Update
2. Commuter Rail / High Speed Rail 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 (Item Nos. 1 –3)

Page No.

The Consent Agenda will be enacted with one vote. The Mayor will first ask the 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 "Items Removed from the Consent Agenda." The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of the Work Session and Meeting Minutes of February 22, 2010.....
2. Approval of 2010 Liquor License Renewals Late Submittals
3. Authorization to Issue a Request for Proposals for a Provision of Canoe and
Kayak Services at Brown's Ferry Park

E. PUBLIC HEARINGS – Legislative or Other

None.

F. PUBLIC HEARINGS – Quasi-Judicial

1. Continued Hearing to Consider an Ordinance Changing the Planning District
Designation from Low-Density Residential (RL) to Medical Center (MC) of
Parcels of Land Located on SW Borland Road (21E 19C 1700 & 2000) and
Amending the Community Plan Map 9-1 (PMA-09-03)
[CONTINUED to July 12, 2010]
2. Public Hearing to Consider a Resolution Granting a Conditional Use Permit for a
Kindergarten through 12th Grade School, in the Light Manufacturing (ML) Planning
District at 19550 SW 90th Court (Tax Lot 2S1 23DC 100); (CUP-10-02)

G. GENERAL BUSINESS (*Item No. 1*)

1. Resolution No. _____ Approving a Development Agreement Between the City of.....
Tualatin and Legacy Health Systems
[CONTINUED to July 12, 2010]

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Stephen Titus	10170 SW SEDLAK CT			Citizen Comments for Tualatin Dev Comm
2.	Ed Bartlett	10200 SW Anderson Ct			Citizen comments Tual. Devel. Comm.
3.	Joey Smith	22335 SW MANDAN		M.I.T.C.H. CHARTER SCHOOL BOARD	F. Z.
4.	Todd Allison	5753 SW Joshua St			Zone Change
5.	NANCY GRIMES	19710 SW 96 th Ct			ZONE CHANGE
6.	~~Joey Smith~~				
7.	TIM THORNBURG	19291 SW CHESAPEAKE	TIM THORNBURG @ COMCAST.NET		ZONE CHANGE
8.	PAUL ROBERTSON	19338 SW 55 th Ct			.



CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Mike Hetley	19730 SW 56 th CT	Mchetley@gmail.com	—	
2.	Debi Lorence	Tigard, OR	debi@mitchcharter school.org	Mitch Charter	Mitch Charter School
3.	Shaina Hildreth	9355 SW Quinault Tualatin	shildreth@ verizon.net	Mitch Charter	Mitch Charter School
4.	Joel Smith	Tualatin	joel@lakebible.org	Mitch Charter	Mitch Charter School
5.	Colleen Leache	11	KittyPwallyreach@a		How can they charge?
6.	~~Dolores Hildreth~~	~~8655 SW Chenoweth St.~~			
7.	Kathy Newcomb			North Tualatin Friends	Urban Renewal Budget Overlook
8.	BRIAN ALLEN	Tualatin			Hospitality Zone



CITY COUNCIL SIGN-UP SHEET

DATE: MARCH 8, 2010

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

	(PLEASE PRINT CLEARLY) Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments
1.	Barbara Fronczak	19135 SW 52nd Court	gfronz2@earthlink.net	Hospital	
2.	Lori Kellogg	10425 SW Kiowa St Tualatin	lori_kellogg@hotmail.com ~~lorik@swresd.k12.or~~	Mitch	
3.	David Lillard	5728 SW Natchez St	dvdliillard@yahoo.com	Hospital	
4.	Cathy Holland	10740 SW Lucas Dr	c.holland73 @ Comcast.net	Urban Renewal - Bridge	
5.					
6.					
7.					
8.					

*Submitted for the record
by the applicant on 3/8/10*

March 8, 2010

M.I.T.C.H. School
City of Tualatin CUP-10-02

**ALTERNATIVE WORDING FOR THE STAFF RECOMMENDED CONDITIONS OF
APPROVAL, SUGGESTED BY THE APPLICANT:**

1. The student loading area south of the building shall be designed so that Code compliant vehicle parking and aisle dimensions are maintained and not impacted by the loading activity.
2. The south property line shall be secured by a fence. The design and dimensions of the fence shall be determined through the Architectural Review process.
3. This approval is limited to grades K-8 and a maximum of 250 students.

Submitted for the
record @ March 8, 2010
Council meeting re
PMA-09-03

Dear Tualatin City Council,

I think building offices in the field is a bad idea. Think about the kids wanting to play in the field. I know I like to play there to catch grasshoppers. Wouldn't you like it if you lived in a neighborhood by a field and you can run outside and play? That's what I do, but if you build offices there no one can do that. In the summer, I always have a blast playing in the field with my friends. Today at school I was telling everyone about building in the field and they think it's a bad idea too. Just please don't build more there.

You should also think about all of the kids in the street skateboarding, biking, roller blading and more. If you build offices in the field, there's going to be much more traffic. Our neighborhood already has 100 or more cars come through so I know we don't need more. My favorite thing to do is play outside, but these buildings are going to ruin my life.

I've heard bad ideas before and I think this is the worst. You are supposed to make good decisions for our town. I hope you don't build offices in the field by my house.

Sincerely,
Platum Steele
Tualatin, OR
Age, 9

503-612-1744
19539 SW 57th Ave.



Oregon

Theodore R. Kulongoski, Governor

PMA-09-03
Distributed at Council meeting of March 8, 2010 by staff
Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

ODOT Case No: 3339

March 8, 2010

Will Harper
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

**CITY OF TUALATIN
RECEIVED**

MAR 08 2010

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

Attn: Will Harper, Associate Planner

Re: PMA-09-03: Legacy Meridian Hospital Zone Change (RL to MC)
I-5 / SW Nyberg St Interchange

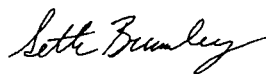
Dear Mr. Will Harper,

In previous comments on the proposed zone change, ODOT requested the City require the applicant to prepare a traffic impact analysis (TIA) in order for ODOT to evaluate whether or not the proposed change would have a significant effect on the I-5/Nyberg Rd interchange per Transportation Planning Rule 060. This request was made based on previous zone change applications in the vicinity of the interchange that presented analysis indicating that the southbound ramp terminal was approaching the Oregon Highway Plan mobility standard of .85 volume to capacity ratio for the peak hours. The previous analyses indicate that additional trips in the peak hours could potentially significantly effect the southbound interchange ramp terminal intersection. Therefore, reducing peak hour trips to the interchange would alleviate the potential for a significant effect at the interchange.

The existing hospital development should be in compliance with the Employee Commute Options Program OAR 340-242-0010-0290 administered by Oregon DEQ. The DEQ website states: "The ECO rules (OAR 340-242-0010 through 0290), affect employers in the Portland area with more than 100 employees reporting to a work site. Affected employers must provide incentives for employee use of alternative commute options. The incentives must have the potential to reduce commute trips to the work site by ten percent from an established baseline." The target auto trip reduction rate established through the approved "Auto Trip Reduction Plan" for the existing hospital must be maintained for the proposed hospital expansion.

The applicant's narrative addressing Goal 13: Energy Conservation, explains that by allowing the hospital expansion efficiencies of scale can be obtained by concentrating employees at a larger facility creating a benefit for an effective employee commute program. An effective employee commute program in the interchange peak hours would be an effective mechanism to address Goal 12: Transportation and the Transportation Planning Rule 060. ODOT recommends the City work with the applicant and the department to develop conditions for the zone change that include trip reduction strategies for the interchange peak hours resulting in a finding of no significant effect on the interchange.

Sincerely,

A handwritten signature in cursive script, reading "Seth Brumley". The signature is written in black ink and is positioned to the left of a vertical line.

Seth Brumley
Development Review Planner

C: Mark Vandehey P.E., Kittelson & Associates, Inc
Elaine Smith, ODOT Region 1 Planning Manager
Marah Danielson, ODOT Region 1 Planning

*Submitted for the record
by Steve Titus @ March 8, 2010
Council meeting re PMA-09-03*

- ✓ Up to 8,000 additional cars a day
- ✓ 95 foot tall buildings
- ✓ Increased Pollution
- ✓ Decreased home values

A view from 57th and Nachez (actual building would sit back an additional 100 ft)



Fox Hill's New Streetscape

If you are unable to attend the meeting on Monday Night please email your City Council:

Lou Ogden (Mayor) – lou.ogden@juno.com

Jay Harris – jay@h-mc.com

Chris Barhyte – chris@barhyte.com

Donna Maddux – maddux01@verizon.net

Monique Beikman – smbeikman@verizon.net

Ed Truax – etruax@royalaa.com

Joelle Davis – joelle.d.davis@gmail.com

Sherilyn Lombos (City Manager) – slombos@ci.tualatin.or.us

Your Participation Matters!

The proposed MC Zoning is located on the web at:
www.ci.tualatin.or.us/departments/legal/docs/TDC/TDC56.pdf

FOX HILL Neighborhood

- ✓ Loss of Neighborhood Character & Livability
- ✓ Decreased Property Values
- ✓ Increased Traffic

Important Meeting – You must attend

Monday March 8th - 7:00 pm
Tualatin Council Chambers (near the library)

The property owner between Meridian Park Hospital and the Fox Hill neighborhood is requesting a change in zoning from Low-Density Residential to Medical Complex and build up to 250,000 sq. feet of office space.

What could this mean to FOX HILL – 95 foot tall buildings



OVER

Submitted for the record by
Tim Thornburg re: PMA-09-03
@ March 8, 2010 Council meeting.

**ZONE CHANGE PROPOSAL FOR LEGACY PROPERTY
IN OPPOSITION OF
PLEASE SIGN IF YOU ARE NOT SPEAKING
MARCH 8, 2010**

	NAME	ADDRESS	EMAIL ADDRESS	WHO IS SPEAKING FOR YOU? <i>if not you</i>
1	Heidi Kindle	5631 SW Natchez	hkindle@hotmail.com	Tim Thornburg
2	Tallie Aeche	14539 SW 57th	tallie@macadamsharandgrill.com	
3	Rob Spalding	5769 SW Joshua St.	Spalding@gmail.com	
4	Vanita T Pedersen	19338 SW 58th Ct	VPedersen@comcast.net	
5	Glen Grimes	19710 SW 56th Ct		Nancy Grimes
6	Debra Monahan	5743 SW Calusa Lp	monahan99@comcast.net	
7	Mike Monahan	"	"	SPOKE AT MTG.
8	Ryan Carr	5746 SW Calusa Lp	ryan@granor.com	
9	Keri Bickley	5740 SW Natchez	kbickley@ttsd.k12.or.us	
10	NATE Bickley	5740 SW Natchez		
11	THURSON, Victoria	10253 SW Chesapeake Dr.	—	Tim Thornburg
12	Mickey, Todd	6035 SW Sequoia Dr.	biz@mickysemail.com	Tim Thornburg
13	Rachel Wilkins	5725 Natchez	izachewilkins@yahoo.com	Tim Thornburg
14	David Lillard	5728 SW Natchez St	dudlillard@yahoo.com	
15	Danese Cooper	5745 SW Wichita St	dfcooper@healthcois.com	
16	Bjorn Gullakson	5716 SW Joshua St	bjgull@gmail.com	
17	Sandi Gullakson	"		
18	Ernest Kalilimoku	5736 SW Natchez St	KalilimokuE@bv.com	

**ZONE CHANGE PROPOSAL FOR LEGACY PROPERTY
IN OPPOSITION OF
PLEASE SIGN IF YOU ARE NOT SPEAKING
MARCH 8, 2010**

	NAME	ADDRESS	EMAIL ADDRESS	WHO IS SPEAKING FOR YOU? IF Not you
19	Kathleen Kimmy	5706 SW Calusa Loop	kkimmy2@verizon.net	
20	Marylee Tolley	5725 SW Calusa Loop	Marylee1@Verizon.net	
21	Karen Faus	5752 SW Natchez	alick1@aol.com - Not	
22	Scott Kendig	11800 SW 5th Ct	KFAM4@Comcast.NET	
23	Rob Burke	5738 Joshua St	Rob.Burke18@gmail.com	Tony Allison
24	Mary Martin	19774 Shiloh 37th	—	
25	Elizabeth Allison	5753 SW 11th St	Tallison4peoplepc.com	
26	Steve & Renee Balsiger	5885 SW Wichita St	renee.balsiger@mercer.com	
27	RACHEL THOMPSON	8356 SW GARDNER		
28	SARA DIGNARD	5737 SW Calusa Loop		
29	MIKE DAVISSON	5722 SW Joshua St		TODD ALLISON
30	Mark Mayor	5756 SW Joshua St		TODD ALLISON
31	Mike GRIFFIN	5703 SW Calusa Loop	mikeproteck@aol.com	TODD ALLISON
32	~~John~~ John	5734 SW Calusa Loop	backdoers@gmail.com	Todd Allison

Submitted for the record
by Bob Dugan @ March 8, 2010
Commission meeting re.
PTA-09-10

ZIAN L.P.

HEDGES GREEN - Historical Information

RE: URBAN RENEWAL PLAN



















department or the state Department of Environmental Quality.

Areas served by Tualatin Valley Fire & Rescue are covered in a burn message updated daily at 629-8605 or 629-9274.

Dedication ceremony set at Hillsboro's Hamby Park

HILLSBORO — The city will officially dedicate the 6½-acre U.J. Hamby Park on Northeast Jackson School Road during a park ceremony beginning at 11 a.m. Wednesday.

Three acres of the park, named for Hillsboro's longtime Chevrolet dealer, were donated to the city by Hamby's son, Eugene, in the mid-1980s. The city later added other parcels west of Jackson School Road, at its intersection with Northeast Arrington Road.

The dedication ceremony will draw Mayor Gordon Faber, other City Council members and city Parks Commission members, along with Hamby family members.

Tualatin Valley Fire seeks budget panel volunteers

The Tualatin Valley Fire & Rescue District is seeking citizens to serve on its budget committee.

Applications should be turned in by Friday.

Terms are from one to three years and responsibilities include review and approval of the district's operating budget.

The district operates 20 fire stations from Northwest Skyline Boulevard to Wilsonville and has more than 400 paid and volunteer firefighters.

For more information, call the fire district at 649-8577.

— From staff reports

135-acre Tualatin development will begin west of Commons area

■ The huge project will include a mix of business, industrial and residential uses and might even house city facilities, too

By HARRY BODINE

of The Oregonian staff

TUALATIN — The planning battles have been fought. Now, the development can begin on the 135-acre Zian property just west of Tualatin's downtown Commons area.

The sheer size of the Zian development, its location in the heart of Tualatin and its mix of uses — retail commercial, manufacturing and multifamily residential — make Zian distinctive in a community that has witnessed explosive growth.

The property also may be the site of a new recreation complex and community center and a new City Hall if Tualatin voters approve a bond issue in the Nov. 7 election.

"I think it will be a tremendous asset to the city," said Kathy Forrest, a City Council member, after a final drainage issue was resolved, enabling the council to approve a master plan detailing major infrastructure improvements.

Zian, using land assembled by the Portland-area based Zidell and Andersen families, will create a new community of 800 apartments within walking distance of Tualatin Commons and nearby stores.

If the recreation complex-City Hall bond issue passes, part of the land scheduled for multifamily housing

ZIAN MASTER PLAN

■ **WHAT IS IT?** A plan to develop 135 acres between Southwest Tualatin and Tualatin-Sherwood roads just west of Tualatin's downtown. It would create a unique urban community within walking distance of Tualatin Commons and stores.

■ **WHAT WILL IT INCLUDE?** Up to 800 apartments, a shopping center on the northwest corner of Southwest Boones Ferry and Tualatin-Sherwood roads, Kaiser-Permanente offices and clinic, offices and light manufacturing plants, a 33-acre protected wetlands area and, if Tualatin voters approve a Nov. 7 bond issue, a new City Hall and recreation complex.

■ **WHAT HAPPENS NEXT?** Construction is under way on a new street, Southwest 90th Avenue, which will open the interior of the property for development.

would be used for the new municipal facilities, reducing the number of apartments to 400 to 500, said Richard T. Durgan, project manager for Zian.

"This is a jewel," Durgan said.

Zian is the best example of an urban community that gets high-density residential development within walking distance of commercial activities and parks while shielding it from nonresidential neighbors, Durgan said.

In its master plan, Zian clustered housing north of a 33-acre wetland bordering Hedges Creek. Land south of the wetland is allocated to retail stores, offices and light manufacturing plants.

New three-story apartments will border one manufacturer, Durametal Corp., at 9560 S.W. Herman Road.

"We will have to create berms and buffers," Durgan said. These, coupled with trees and the placement of buildings, will divide the new apartment dwellers from their nonresi-

dential neighbors. "It's a marketability issue. You can't fudge on amenities," he said.

The master plan the council approved calls for a new street — Southwest 90th Avenue — to cross the property between Southwest Tualatin and Tualatin-Sherwood roads. A new footbridge will provide a more direct, shorter route for pedestrians to walk to Tualatin Commons.

Before the City Council approved the plan Aug. 29, attorneys for Zian and Durametal huddled in a small room to resolve Durametal's concerns that Zian's development would cause flooding on its property.

The parties agreed that two drainage ditches on and bordering the Zian property should be connected. The city would maintain it as part of its overall storm water management system.

Wetland issues related to the project presented special challenges but were resolved, Durgan said.

ZIAN MASTER PLAN of INFRASTRUCTURE IMPROVEMENTS

June 21, 1995



**Prepared for:
The City of Tualatin**

**Prepared by:
The JD White Company, Inc.
1111 Main Street ♦ Suite 300
Vancouver, Washington 98660
503 / 286-9485**

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A. PURPOSE OF THE MASTER PLAN

1. *Requirement for Master Plan*

In 1975, the City of Tualatin adopted the *Central Urban Renewal Plan*. This *Plan* is the governing document for the activities of the Tualatin Development Commission and development within the Central Urban Renewal District. A portion of the Zian property falls within the boundaries of the Central Urban Renewal District. Preparing a master plan for the Zian project is mandated by Section I F 3 of the *Central Urban Renewal Plan* to ensure that the development meets the objectives of the *Plan*.

2. *Project Vision*

This project is intended to enhance the City of Tualatin, one of the metropolitan area's fastest growing communities. The vision for the subject property is to create an urban village with a mixture of commercial office, retail and residential uses. These uses would be interconnected by a circulation system for automobiles, pedestrians and bicyclists. The circulation system would also provide connectivity to the central city and adjacent community recreation areas. Orientation and location of structures would be in a manner to take advantage of the site's natural features including the wetland areas, available view corridors to Mt. Hood and the native grove of ash and Douglas-fir trees on the north side of the site. Additionally, the project envisions the enhancement of the Sweek Pond Management Area as an interpretive and educational resource for the community. The overall site design would provide opportunities for living in close proximity to employment, shopping and recreation.

3. *Conceptual Overall Site Development*

The purpose of this Master Plan is to serve as a framework for public infrastructure improvements on the Zian site. The sequence of planning steps consists of:

- (1) overall site Master Plan preparation;
- (2) subdivision review and approval, which will address the creation of individual parcels (if the property is to be subdivided); and,
- (3) architectural review and approval of developments on specific parcels or sub-areas if there is no subdivision.

Since components of the project will be developed in response to market conditions, the Master Plan will first identify infrastructure improvements which will be subsequently implemented as project components develop. The Master Plan will also identify the framework for establishing residential density transfer and eligibility for System Development Charge (SDC) credits.

Development of land within the project area could follow different discretionary approval routes. If land is to be divided into parcels, the City of Tualatin's subdivision or partition approval process will be required to create the parcels for individual development projects. This process will provide the mechanism for attachment of specific conditions as set out in the Master Plan.

If subdivision or partitioning does not occur, Architectural Review will be applied to development subareas within the property rather than individual parcels. In either case, development must be consistent with (i.e., follow through on) the associated infrastructure elements called for in the Master Plan. Attachment of specific conditions identified in the Master Plan will be through the approval process, whether subdivision, partition or Architectural Review. The Architectural Review process involves pre-application and submittal of a site plan, landscape plan, architectural drawings or sketches, floor plans, specifications of exterior surfaces and a public facilities plan which are all reviewed by staff. An Architectural Review Board hearing may be required, depending on the size of the proposed developments, the specific location or if an appeal is filed.

Certain elements of the proposed public facilities are proceeding ahead (e.g., the permitting and design of SW 90th Avenue) since they were understood to be integral to the development approval process for the entire site. These facilities would have, in any event, been conditions of approval.

The Master Plan will achieve the following:

a. Public Facilities.

Establish a framework for developer construction of public facilities in the course of development.

- 1) Identify "whole site" facilities needs.
- 2) Identify facilities needs logically associated with particular subareas of the site.
- 3) List facilities needs and provide for their attachment as developer requirements through land use approval processes.

b. Systems Development Charges.

The improvements listed in this Master Plan will be completed by the developer in conjunction with the development of individual improvements of the project site in response to market conditions. All improvements as proposed would be borne by the private developer and applicable credits will be defined by the City of Tualatin (e.g., Traffic Impact Fees and other potential System Development Charges). Credits against the Washington County Traffic Impact Fee (TIF), Tualatin Parks System Development

Charges (SDC) and other SDC fees collected by the City of Tualatin will be determined on the basis of applicable ordinances.

The Master Plan does not constitute or effect a waiver of applicable development conditions and requirements established by the Tualatin Development Code or any other ordinance.

B. BACKGROUND INFORMATION AND CONTEXT

The proposed project site encompasses a total of 135.39 acres. The eastern one third of the site, or approximately 53.98 acres, is within the City of Tualatin's Central Urban Renewal District. Section I F 3 of the *Central Urban Renewal Plan* requires the preparation of a Master Plan for the Zian project for that portion within the planning limits of the *Central Urban Renewal Plan*. The Master Plan for the Zian project covers an area larger than that portion of the property that is in the Central Urban Renewal District because of the nature of some project elements – notably the transportation and utility infrastructures. These require project area system wide connections, as well as connections to the public infrastructure in the adjacent area.

1. *Property Location*

The undeveloped property (the Zian site) is located west of downtown Tualatin and is generally bordered by SW Boones Ferry Road on the east; industrial development and Hedges Creek on the west; SW Tualatin Road on the north; and, SW Tualatin-Sherwood Road on the south (Figure 1). The property is located within Washington County and consists of Tax Lot 100, Map 2S1 23. The site is within the City of Tualatin's Wetland Protection District (WPD). There are also two "development islands" southwest of the intersection of SW Boones Ferry Road and SW Tualatin-Sherwood Road which are part of the planned development area. The location of the property with respect to the City's Central Urban Renewal District is indicated on Figure 2.

2. *Surrounding Uses*

Most of the land surrounding the site has been urbanized. The types of land uses by Planning Districts (Zoning) are summarized in Table 1.

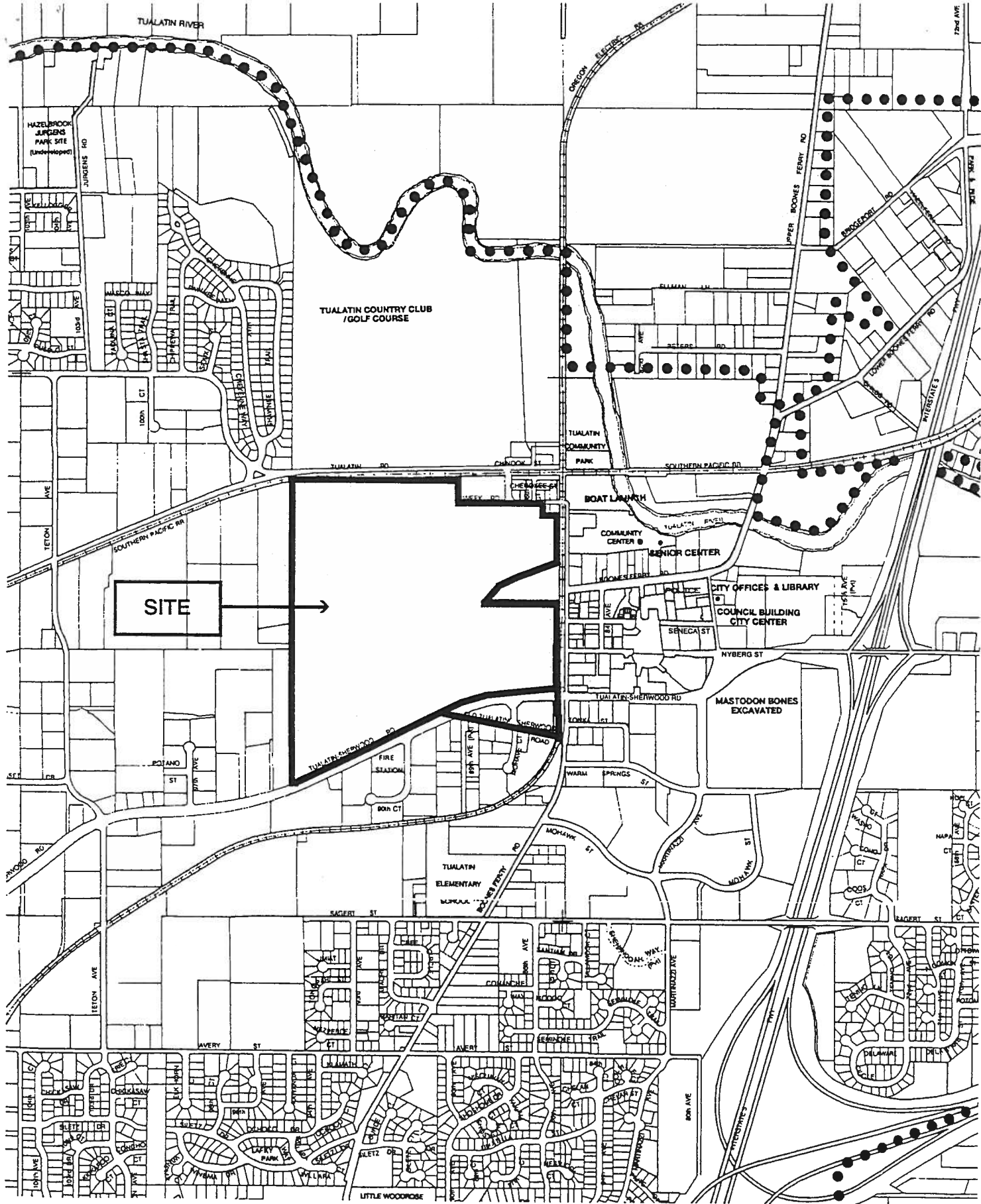


FIGURE 1: Vicinity Map

- Site
- ● ● City Limits

Source: City of Tualatin



Not to Scale

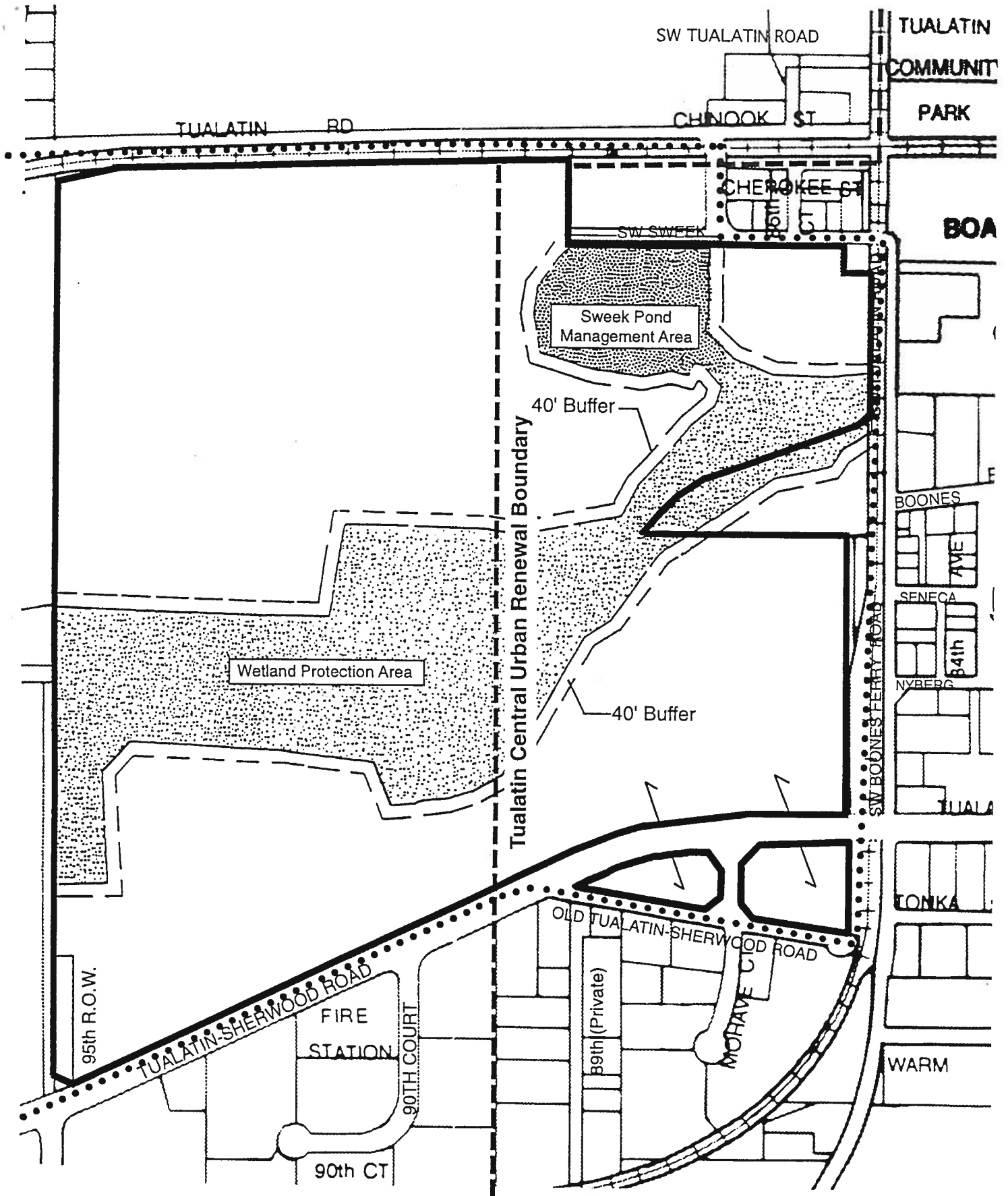


FIGURE 2: Central Tualatin Urban Renewal Boundary

- Site
- - - Urban Renewal Boundary
- Wetland Protection District Boundary

Source: City of Tualatin Community Plan Map 6/94



Not to Scale

TABLE 1: Surrounding Area Planning Districts.

Direction from site	Planning District(s)	Land Use
North	RL	Tualatin Country Club Southern Pacific Railroad right-of-way
Northeast	CC, RH / HR	Single family residential dwelling Park Square Apartments Tualatin Community Park Commercial and residential
East	CC, RH / HR	Single family residential dwelling (the Sweek House National Historic Site) Unoccupied historic Smith / Boone house City Park Miscellaneous commercial Burlington Northern Railroad right-of-way
Southeast	CC, CG	Commercial and office uses
South	ML	Itel Industrial Park Oak Tree Business Park Commerce Park Tualatin
West	MG	Industrial (Premier Lift Truck, Durametal) wetlands.

3. Planning Districts

Community plan map designations for the project site are shown on Figure 3. Land use types allowed in each planning district and total project area within each district are summarized in Table 2.

Additionally, the City of Tualatin's Wetlands Protection District is overlaid on the subject site as depicted in Figure 4. A 40 foot wide buffer strip separates the areas proposed for development from the Wetland Protection Area (WPA). Also, as depicted on Figure 4, the Sweek Pond Management Area (SPMA) is within the northeastern corner of the project area.

TABLE 2: Site Planning Districts

Planning District	Land Use	Total Area	Net Buildable Area *
ML	Light Manufacturing	22.5 acres	15.4 acres
CO	Office Commercial	11.1 acres	5.6 acres
CC	Central Commercial	24.6 acres north of Tualatin-Sherwood Road (south of Tualatin- Sherwood .56 and 1.50 acres)	22.6 acres
RH	High Density Residential	68.2 acres	41.8 acres
RH / HR	High Density / High Rise	7.2 acres	4.5 acres

Net buildable area is defined as total site area (gross) less rights-of-way, the Wetland Protection Area, the Sweek Pond Management Area and the tract containing the grove of trees (5.24 acres).

4. Chronology of Actions Affecting the Site

There have been a number of milestones affecting the project area development. These are related to the City of Tualatin's *Comprehensive Plan*, the *Central Urban Renewal Plan* and the Hedges Creek Wetlands. Each of these is discussed below:

a. City of Tualatin Comprehensive Plan, Amendments and Other Actions.

In 1971, the City of Tualatin adopted the community's Tualatin Community Plan. The Tualatin Community Plan identified the subject property as being within a flood hazard area and establishes zoning for light and heavy industrial use. The Plan has been amended over the years and is currently referred to as the Tualatin Development Code (TDC). This Code is, in effect, a unified comprehensive plan and zoning ordinance which regulates development of the Zian property.

Interagency efforts and a citizens' movement concerning protection of wetlands resulted in the 1980 adoption of the City's Wetlands Protection District (TDC Chapter 71). This District establishes regulations for properties with wetland areas. The subject property is regulated by this District.

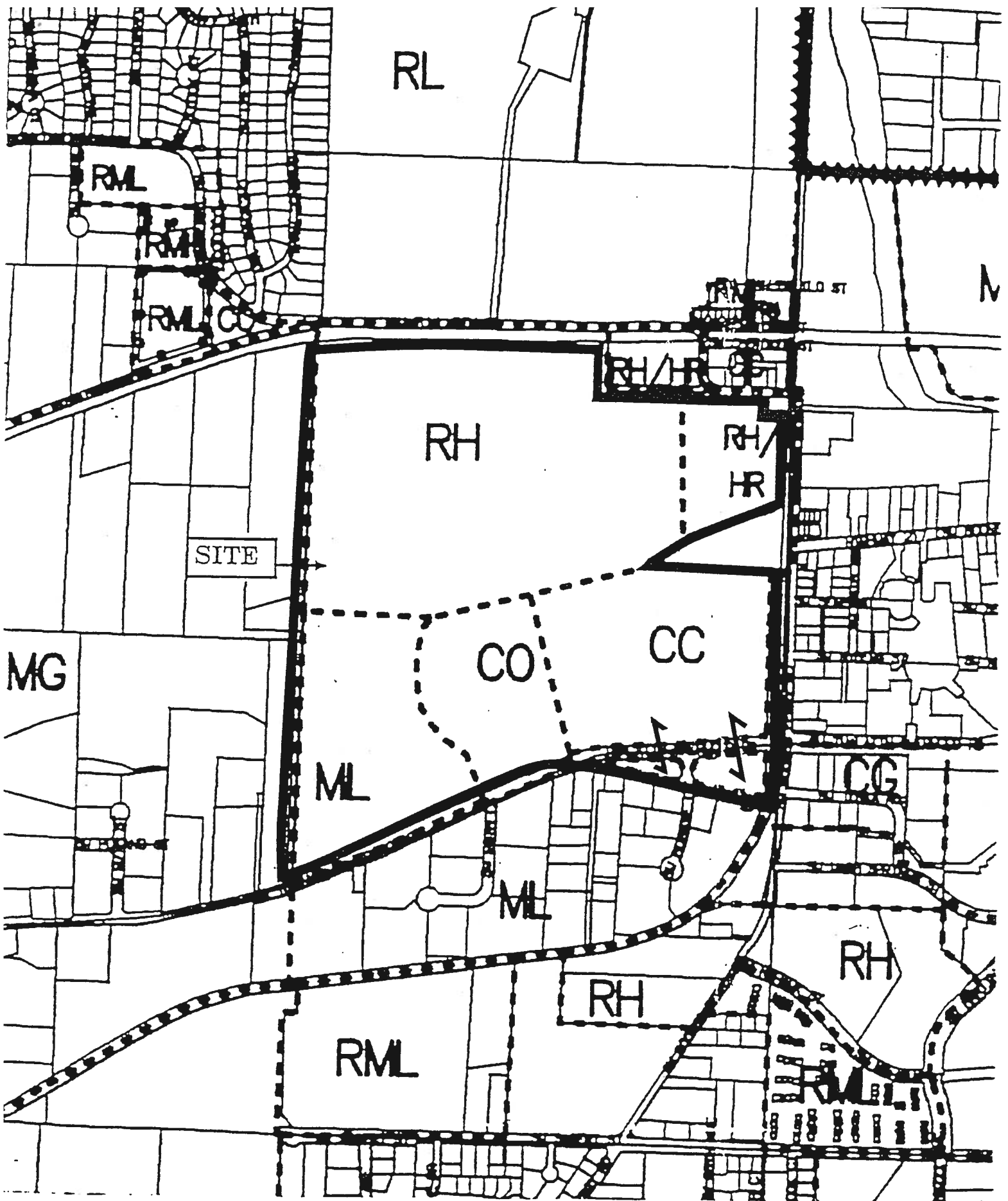


FIGURE 3: Community Plan Map Designations

Site

Source: City of Tualatin Community Plan Map 6/94



Scale: 1" = 18,000'

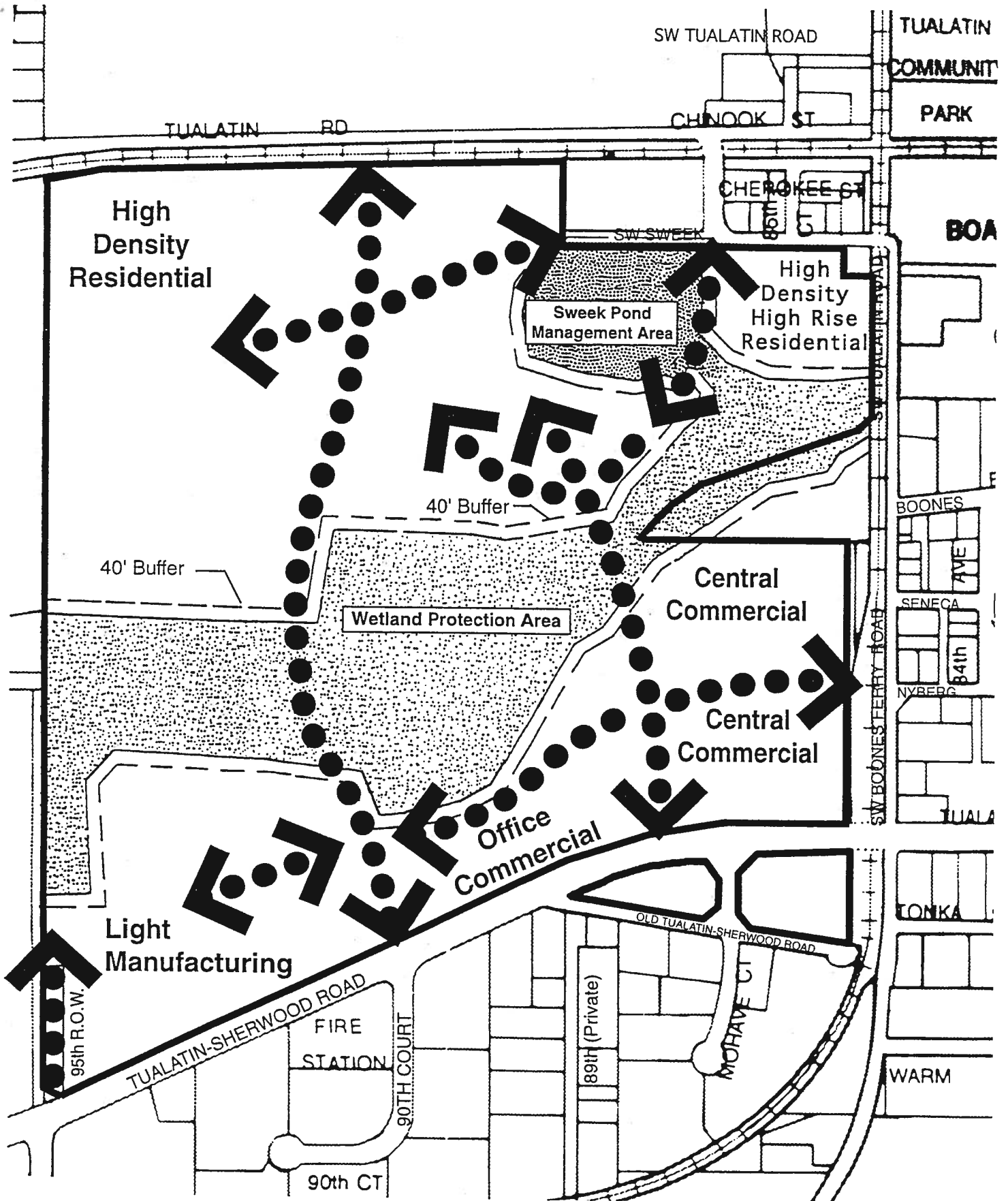


FIGURE 4: Conceptual Pedestrian & Bicycle Movement Patterns

— Site



Not to Scale

On January 27, 1975, the City of Tualatin adopted the *Central Urban Renewal Plan*. This *Plan* is the governing document for the activities of the Tualatin Development Commission and development within the Central Urban Renewal District.

In 1990, the City adopted amendments to the *Comprehensive Plan* map and text which would alter the planned land use patterns of the subject property (Ordinance No. 800-90). The amendments affected circulation through and around the site, further defined wetlands protection issues and rezoned the site. In 1995, the Tualatin City Council adopted a *Comprehensive Plan* text amendment which affects the site. This amendment allows Commercial Office (CO) uses in Light Manufacturing (ML) zones which are adjacent to CO zones, subject to specified limitations (Ordinance No. 942-95).

b. *Central Urban Renewal Plan Adoption / Amendments.*

The City of Tualatin has designated a portion of the central area of the City as an Urban Renewal District. The overall goal of the City's *Central Urban Renewal Plan* is as follows:

"To strengthen the social and economic development of central Tualatin by stabilizing and improving property values, eliminating existing blight, and preventing future blight; and to encourage and facilitate land uses, private and public, that result in activity during all business hours, evenings, nights, and weekends; and to encourage indoor and outdoor uses."

In order to address this objective, the *Central Urban Renewal Plan* was adopted. Since adoption, a number of minor and substantial amendments to the *Central Urban Renewal Plan* have occurred. The latest substantial revisions occurred in November 1992 when the list of allowed uses was expanded in the Tualatin Commons Redevelopment Project and the *Central Urban Renewal Plan* was updated to reflect previous changes in the Tualatin *Community Plan*. The *Central Urban Renewal Plan* governs the activities of the Tualatin Development Commission, which is the Urban Renewal Agency for the City of Tualatin. The requirement for preparing a Master Plan for the Zian project is mandated by Section I F 3 of the *Central Urban Renewal Plan*. The eastern one third of the site, or approximately 53.98 acres, is within the City of Tualatin's Central Urban Renewal District (Figure 2).

c. *Wetlands.*

1. **DELINEATION, PERMITTING AND MITIGATION.**

The Wetlands Protection District was adopted as Chapter 71 of the TDC in September, 1980, establishing the Wetlands Protected Area (WPA),

buffer and Wetlands Fringe Area (WFA-the developable portion of the subject area). These boundaries did not correspond exactly to delineated wetland edges, but were based on proposed boundaries subsequent to filling and creation of wetland areas within the subject property. On July 11, 1983, the revised WPA boundary was adopted by Tualatin City Council Resolution No. 1294-83. DSL permit #7245 in 1993 allowed filling in the WFA, with mitigation increasing the size of the WPA. An application for wetland filling to accommodate the SW 90th Avenue crossing of the wetland has recently been issued by Oregon Division of State Lands (FP-9529) and the US Army Corps of Engineers (FP 95-238).

2. COOPERATIVE AGREEMENT.

During the month of December 1987, City of Tualatin staff and representatives of Zidell (the project applicant) jointly presented a master planning process to the Tualatin Development Commission which was adopted and formed the framework for development of the project site. As a part of parallel processes undertaken by parties other than the City, a Wetlands Committee and the Ad Hoc Joint Subcommittee (AHJS) were formed and identified areas of concern related to resource management. A framework agreement, commonly known as the "Cooperative Agreement", was executed by Zidell, US Army Corps of Engineers, US Environmental Protection Agency, US Fish and Wildlife Service, Oregon Department of State Lands, Oregon Department of Fish and Wildlife, the Wetlands Conservancy and the Audubon Society of Portland. The agreement addresses the following issues:

- Wetlands crossings;
- Resource management;
- Sweek Pond management;
- Modification of the WPA boundaries; and,
- Guidelines for future wetland impacts related to crossing and accessory improvements.

The applicant acknowledges the provisions of this agreement and anticipates achievement of the objectives through the existing provisions or modified provisions of the agreement.

3. RESOURCE MANAGEMENT PLAN.

The Resource Management Plan (RMP) will address goals and objectives envisioned by the Cooperative Agreement. The completion date and adoption of the RMP is not known at this time.

4. UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY.

The Unified Sewerage Agency (USA) is working on a study as part of developing a basin plan for storm water management in Hedges Creek. The completion / adoption of the basin plan is anticipated during Fall 1995. The applicant will continue to work with USA's staff to appropriately locate and size drainage facilities.

C. SITE PLANNING ELEMENTS

1. Land Use

a. *Distribution and Location of Uses.*

The Wetlands Protected Area [WPA (with a variable width of 100 to 950 feet)], per TDC Chapter 71, will segregate the residential land uses which would be located north of the WPA from the light manufacturing, office and commercial areas which are proposed to be developed to the south. Density transfers can be allowed for conservation of wetland areas and tree groves on the site. Achieving increased density may require a height variance. The greatest concentration of commercial activities will occur in the southeastern corner of the project area within the *Central Urban Renewal Plan* area. Office and light manufacturing areas or medical clinic and office areas will be located to the west along the SW Tualatin-Sherwood Road.

b. *Location of Buildings and Orientation.*

The developable areas on the project site are shaped and defined by the wetland areas, tree groves, and Master Plan roadway system and pedestrian / bicycle connections. Where appropriate, the siting and orientation of buildings will take advantage of the site's natural features such as the wetland areas and tree groves. Additionally, the siting and orientation of the retail commercial structures will establish a link to the City's downtown area.

Because of the potential conflict between the existing industrial area located west of the site and the project's proposed residential uses, a buffer to provide visual screening will be constructed. The buffer will be located north of the WPA along the western edge of the project site. The buffer is also intended to function as a wildlife movement corridor between the WPA and the northern tree grove.

c. *Location of Parking and Shared Parking.*

Parking spaces would be provided adjacent to uses in accord with the TDC. Additionally, the project will utilize shared or joint use parking as provided

for under the TDC Section 73.370, which will be examined and determined through the Architectural Review process.

d. Building Floors Above Base Flood Elevation.

The developer will comply with all local, state and federal regulations to insure that all building floors are above base flood elevations.

e. Dedication of Tree Grove.

The applicant may dedicate tree grove areas on the north side of the project in exchange for applicable Parks SDC credits and density shifts. The exact area of dedication will be determined during the subdivision, partition or architectural review process, depending on which is requested first.

f. Archaeology and Cultural Resources.

Within the project site, the area to the south of the WPA has been inventoried. An inventory of the area to the north of the WPA has not been prepared. As part of Phase 1 site preparation, an archaeological resources inventory for the area to the north of the WPA will be completed by the applicant. If archaeological or cultural resources are discovered, mitigation will be in accordance with all applicable state and federal laws.

2. Circulation

a. Vehicular, Truck, Bicycle and Pedestrian Movement Patterns.

The conceptual movement patterns are depicted in Figures 4 and 5. For the project site, a series of pedestrian and bicycle connections and other transportation improvements would link land uses with one another and to the adjacent surrounding areas. In particular the project's proposed transportation system, which interconnects with SW Tualatin Road, SW Sweek Drive, SW Nyberg Street and SW Tualatin-Sherwood Road, would enhance access to other portions of the *Central Urban Renewal Plan* area. Land to the north and south of the site would be linked through pedestrian and bicycle connections and transportation improvements.

The proposed SW 90th Avenue improvement would facilitate these vehicular and pedestrian movements. Construction of SW 90th Avenue between SW Tualatin and SW Tualatin-Sherwood Roads would also provide a parallel road to SW Boones Ferry Road. This would permit the extension of SW Sweek Drive as a public roadway and an extension of SW Nyberg Street as a private drive corridor through the project site to form new intersections with SW 90th Avenue.

Dedication of the right-of-way for the eastern half of SW 95th Avenue will align with the proposed SW 95th Avenue right-of-way on the south side of SW Tualatin-Sherwood Road. When constructed, SW 95th Avenue will provide access to the portion of the project zoned ML (Light Industrial), as well as to the industrial property abutting the southwestern edge of the site. The proposed realignment of SW 89th Avenue will facilitate access to the larger site area, as well as to the commercial / industrial sites on the south side of SW Tualatin-Sherwood Road. The development areas framed by these transportation improvements are indicated in Figure 5.

Within the project area, one of the most important pedestrian and bicycle routes involves the crossing of the WPA to interconnect the project's high density residential areas with the site's commercial / office / manufacturing areas. From this connection, continuity via SW Nyberg Street to other portions of the Central Urban Renewal District would occur. The project's bikeway improvements along the north and east sides of the project area would interconnect with existing and proposed systems at four peripheral locations (Figure 4 and Bikeway Plan Map in Appendix B).

b. Transportation improvements and associated design and permitting requirements.

The design and permitting requirements for the project area improvements are listed below. The project will comply with City of Tualatin ordinances and acquire all needed agency approvals (i.e., Public Utilities Commission, Oregon Department of Transportation, Washington County) for the following roadways and intersections:

1. SW 90th Avenue between SW Tualatin and SW Tualatin-Sherwood Roads.
2. SW 89th Avenue relocation, including connection to Old Tualatin-Sherwood Road.
3. SW Nyberg Street intersection including the addition of the fourth leg to connect to the commercial site.
4. Sweek Drive western extension to intersect SW 90th Avenue.
5. Private drive corridor east of SW 90th Avenue to SW Nyberg Street / SW Boones Ferry Road intersection.
6. Intersection improvements; right-in, right-out intersection to CC site.
7. Dedication of right of way for SW 95th Avenue.

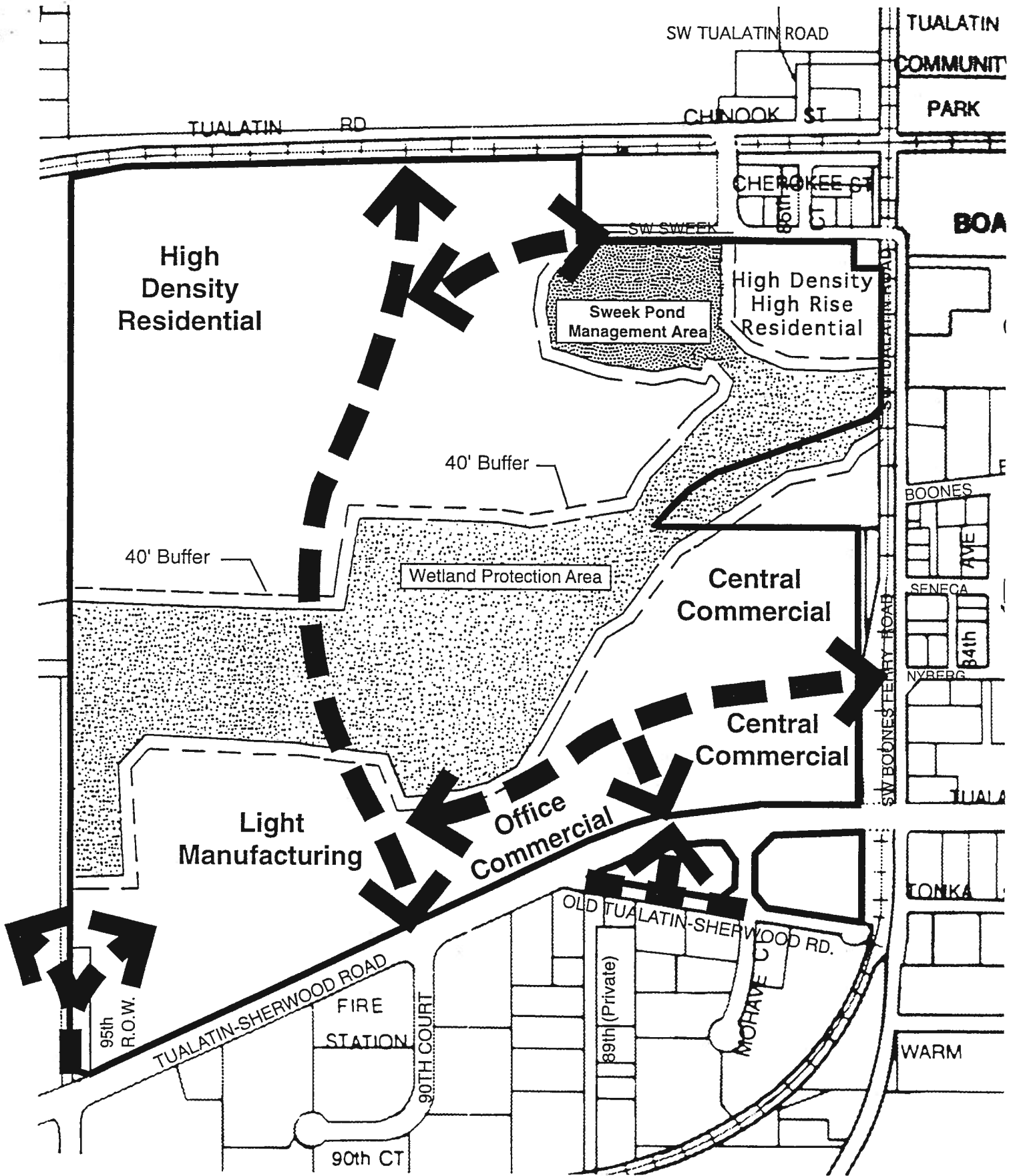


FIGURE 5: Conceptual Vehicular Movement Patterns

— Site



Not to Scale

c. Potential Conflicts Between Pedestrians, Bikeways and Motor Vehicle Traffic.

Potential conflicts may occur at any unsignalized crossing of a roadway by a pedestrian / bicycle route. Mitigation of potential conflicts between pedestrians, bicyclists and motorists will be designed as individual transportation improvements are engineered.

3. Utilities

a. Water.

Conceptually, water service to the site would consist of loop systems served from existing water mains which exist in the public rights-of-way that frame the project area.

For the high density residential areas, a loop system connection will be made to the existing water main which parallels the western property line. The project's water system will also connect to the existing water main within the SW Sweek Drive right-of-way.

To service the office, commercial and manufacturing areas, a connection will be made to the existing water main within the SW Tualatin-Sherwood Road right-of-way. A loop connection with a water main within the SW Boones Ferry Road right-of-way will also be constructed.

b. Sanitary Sewer.

An existing sanitary sewer trunk line runs through the project site from southwest to northeast. This trunk will collect the project's sewage from residential commercial and industrial areas. Project sewage will gravity flow to this trunk.

c. Storm Drainage.

Storm drainage for the entire development will be planned to flow towards Hedges Creek. The storm drainage system will be designed so that there will be no adverse impacts to adjacent properties. Storm water discharges from the project's impervious surfaces will be treated to comply with applicable City requirements. Due to the project's proximity to Hedges Creek, storm water detention will not be required.

D. MASTER PLAN IMPROVEMENTS

All infrastructure improvements will be developed in accordance with City ordinances. It may be necessary in some cases to provide surety acceptable to the City. Conceptual pedestrian, bicycle and vehicular movement patterns are shown in Figures 4 and 5.

The developer is responsible for obtaining off site rights of way or easements necessary to complete the public facility improvements identified herein.

1. *Public Infrastructure Improvements and Sequencing*

a. Phase I (Overall Site Preparation).

The following improvements will be completed by the developer as part of Phase I (overall site preparation) of the Master Plan. These improvements will be completed prior to the occupancy of any commercial, industrial or residential development within the project area provided that interim occupancy may occur within the industrial area in advance of full completion upon determination by the City Engineer that full improvement is not required for occupancy.

CONSTRUCTION OF SW 90TH AVENUE (RH, ML AND CO PLANNING DISTRICTS)

- The archaeological inventory north of the WPA will be performed prior to commencing construction of the northern leg of SW 90th Avenue;
- The applicant will provide appropriate easements associated with the construction of SW 90th Avenue to allow the conveyance of public storm water and sanitary sewer lines through the WPA;
- All roadway sections, intersection designs, traffic control devices, lighting, signage and other construction details of the proposed SW 90th Avenue will be built as indicated by traffic studies to be supplied by the developer, as well as in accordance with City ordinances and agency approvals (ODOT, PUC, Washington County).
- The WPA road crossing / fill for SW 90th Avenue will be completed in accordance with applicable agency permits. All wetlands crossing work related to the SW 90th Avenue corridor will be completed as a single project. Associated pedestrian and bicycle improvements, pedestrian bridge, utilities and other facilities (along with appropriate easements) will be built as needed or required in conjunction with road construction in order to avoid subsequent disruption in the wetlands area;
- The project's water line will connect with the existing water main within the right-of-way of SW Tualatin-Sherwood Road. A service line will continue within the SW 90th Avenue right-of-way and will terminate at the

southern boundary of the WPA crossing. A public water line will continue east along the northern right-of-way of SW Tualatin-Sherwood Road to the eastern line of the project's central commercial development, then northerly to SW Nyberg Street connection / access point where it will connect with the SW Boones Ferry Road water main.

b. Subsequent Phases (Exact Sequence to be Determined).

The developer of each component project will be required to install appropriate water, sewer and storm drainage facilities in accordance with City ordinances and agency approvals (USA, NPDES, etc.). Some improvements listed below are repeated in several development areas to indicate that the improvement will be built in conjunction with whichever area is developed first.

OFFICE COMMERCIAL PROPERTIES (CO PLANNING DISTRICT)

- Construct private drive corridor from SW 90th Avenue east to the CO district boundary. The alignment is intended to allow the future and ultimate connection to SW Nyberg Street including associated pedestrian and bicycle facilities and the dedication of appropriate easements; and,
- Sanitary sewer and water mains with service laterals to adjacent office / commercial lots, will be extended to serve adjacent parcels and allow looping of water lines consistent with the Phase 1 site preparation.

RETAIL COMMERCIAL PROPERTIES (CC PLANNING DISTRICT)

- Reconfigure SW 89th Avenue according to Washington County and City of Tualatin standards. Construct new traffic signal on SW Tualatin-Sherwood Road at the realigned SW 89th Avenue according to Washington County and City of Tualatin standards;
- Construct private drive corridor between SW 90th Avenue and the SW Boones Ferry Road - SW Nyberg Street intersection including associated pedestrian and bicycle improvements and the dedication of appropriate access easements. This east / west private drive corridor will have public storm and sanitary sewer with service laterals to adjacent office / commercial lots;
- Public right-of-way dedication, intersection construction and traffic controls will be required at the SW Boones Ferry Road / SW Nyberg Street intersection / Burlington Northern Railroad crossing, as well as compliance with PUC and Oregon Department of Transportation requirements. PUC required improvements at SW Boones Ferry Road - SW Nyberg Street intersection and rail crossing, including existing traffic signal modifications and new crossing arms. The City at its sole discretion may authorize interim occupancy pending completion of the crossing improvement;

- Storm sewer lines within easements capable of conveying public storm drainage from the existing system in SW Tualatin-Sherwood Road to WPA and allowing City maintenance;
- Provide a right-in / right-out access on the north side of SW Tualatin-Sherwood Road between Boones Ferry Road and SW 89th Avenue; and,
- Provide dedication of right-of-way on the north side of SW Tualatin-Sherwood Road between Boones Ferry Road and the right-in / right-out access to provide a City sponsored widening of SW Tualatin-Sherwood Road for a lane addition. The City will coordinate and be responsible for all PUC permits associated with this widening.

RESIDENTIAL PROPERTIES (RH AND RH / HR PLANNING DISTRICTS)

- Construction of SW Sweek Drive westerly to intersect SW 90th Avenue and its intersections (including Tualatin Road) per City ordinance and agency approvals including associated pedestrian and bicycle improvements;
- Construct utility lines, including extensions to project / property edges to serve subsequent phases; and,
- Construct public storm and water main service lines and connections.

INDUSTRIAL PROPERTIES (ML PLANNING DISTRICT)

- Dedication of right of way for SW 95th Avenue; and,
- Construct required public services (water, sewer, etc.) to serve the proposed uses.

E. FINDINGS

1. Compliance with the Objectives of the Central Urban Renewal Plan

The eastern one third of the site, approximately 53.98 acres, is within the City of Tualatin's Central Urban Renewal District (Figure 2).

The overall goal of the City's *Central Urban Renewal Plan* is as follows:

"To strengthen the social and economic development of central Tualatin by stabilizing and improving property values, eliminating existing blight, and preventing future blight; and to encourage and facilitate land uses, private and public, that result in activity during all business hours, evenings, nights, and weekends; and to encourage indoor and outdoor uses."

The multi-use project would function as an “urban village” where many of the everyday needs and services would be provided within a relatively compact area. Within the site area, the range of commercial uses anticipated would be open during the evening hours and on weekends. The project’s WPA, SPMA, and bikeway and pedestrian systems would encourage the use of outdoor facilities.

The project is currently vacant land generating minimal tax revenues. The multi-million dollar mixed-use project in an infill urban location will not only substantially increase the project’s property values, but will stabilize values in the surrounding area. In addition to the enhancement of private property values, the project will make a substantial contribution to the public infrastructure - of long-term benefit to the community.

The project also conforms with the following goals of the Tualatin Central Urban Renewal Plan:

LAND USE, GOAL 1: COMMERCIAL DEVELOPMENT.

To encourage and facilitate commercial development in the Central Urban Renewal District with an emphasis on establishing a visible and viable central business district.

Within the Central Urban Renewal Plan area, the project would provide approximately 22.6 acres of highly visible central commercial land northwest of the intersection of SW Boones Ferry Road and SW Tualatin-Sherwood Road. The project with landscaping and parking provided in accord with the TDC, would make a viable contribution to the City’s Central Urban Renewal area. Development of the project would create a strong connection to Tualatin’s core area via pedestrian, bikeway and transportation improvements at the Boones Ferry Road and Nyberg Road intersection.

GOAL 2: HOUSING

To encourage multi-family housing in the Central Urban Renewal Plan area as supportive of commercial development.

The portion of the project within the Central Urban Renewal Plan area would provide approximately 7.2 acres of High Density High Rise Residential (RH/HR) land. At the full range of the allowable density range of 26 to 30 dwelling units per acre, this land could generate a total of approximately 187 to 216 housing units. If the units are, on the average, occupied at a rate of 2 persons per unit, the RH/ HR area would provide for approximately 374 to 432 future residents who would be supportive of the Central Urban Renewal Plan area commercial development. This population projection is exclusive of additional housing to be provided in the adjacent High Density (RH) residential district, a portion of which is also in the Central Urban Renewal

Plan area. In order to attain these densities, a transfer of densities on the site and/or variances may be required. Any variance would be the subject of a separate application and process.

GOAL 4: TRANSPORTATION

To provide transportation access and circulation which is supportive of central area development.

As indicated in Figure 4 (Conceptual Pedestrian and Bicycle Movement Patterns) and Figure 5 (Conceptual Vehicular Movement Patterns), the project's transportation, access and circulation plan is supportive of the site's Central Commercial area and the existing Central Commercial area to the east of SW Boones Ferry Road. The development of SW 90th Avenue will link SW Tualatin Road with Tualatin-Sherwood Road, providing an alternative north / south roadway to SW Boones Ferry Road.

GOAL 5: PEDESTRIAN AND BIKEWAYS

To develop a pedestrian / bicycle system linking the *Central Urban Renewal Plan* area to residential areas, park, natural areas.

As indicated in Figure 4, pedestrian and bicycle connections would be built to provide access across the WPA and the SPMA within the project to SW Sweek Drive which provides access to the community park located to the east of the intersection of SW Sweek Drive and SW Tualatin Road; and to the Commons development east of the intersection of SW Boones Ferry Road and SW Nyberg Street.

GOAL 8: PARKS

To provide a high quality park and recreation system to offset the environmental impact of large areas of commercial and industrial development which has the following objectives:

- a. Create green and open spaces centered around the Tualatin River, Nyberg Creek, Hedges Creek, and significant stands of trees.
- b. Preserve the Sweek marsh (Hedges Creek Wetlands) as designated in the Tualatin Development Code Wetlands Protection District.

The project would provide for the preservation, restoration and maintenance of approximately 27 acres in the Wetlands Protection Area of Hedges Creek and approximately two acres in the Sweek Pond Management Area. The project's pedestrian and bicycle paths would be located and designed to accommodate recreational as well as transportation needs. In addition to the WPA and SPMA, the project would provide land to be used for open space. The variety

of recreational opportunities also includes the provision of pedestrian and bike paths. The location of project open space extending through the center of the site in a southwest to northeast direction reduces the environmental impact of large areas of commercial and industrial development.

The project conforms with the following design goals of the *Central Urban Renewal Plan*:

PEDESTRIAN USE

- a. Development should be coordinated with public pedestrian improvements to encourage safe and comfortable pedestrian circulation.

VEHICULAR CIRCULATION AND PARKING

- b. Development in the District should include circulation and parking systems that provide appropriate facilities for cars and bicycles and which do not conflict with pedestrian movement.

As indicated in Figure 4, pedestrian connections would be built to provide access to the project's wetland protection area and SPMA; to SW Sweek Drive which provides access to the community park located to the east of the intersection of SW Sweek Drive and SW Tualatin Road; and to the Commons development east of the intersection of SW Boones Ferry Road and SW Nyberg Street. Within the project site, the Central Commercial and the High Density High Rise Residential areas (which are a part of the Central Urban Renewal Plan area) will be linked to the adjacent High Density Residential and Light Manufacturing areas by the proposed pedestrian system. The project would provide parking for cars and bicycles which meets the requirements of the Tualatin Development Code. This parking would be appropriately located as a part of the AR process to not conflict with pedestrian movements.

2. Compliance with the Objectives of the Comprehensive Plan

4.050 GENERAL GROWTH OBJECTIVES

- (6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

The location of project open space extending through the center of the site area in a southwest to northeast direction with residential to the north of the WPA and shopping and employment land uses to the south reduces the potential for land use conflicts. Furthermore, the WPA will be enjoyed by residents, and workers, patrons, and visitors to the commercial and industrial development areas.

- (9) Prepare a plan providing a variety of living and working environments.

The project would provide a variety of garden and high rise apartment type living environments. The variety of working environments provided by the project would include the following opportunities: retail, service, restaurant, office, and potentially medical and/or light manufacturing employment.

- (12) Adopt measures protecting life and property from natural hazards such as flooding, high groundwater, weak foundation soils and steep slopes.

In order to protect life and property, development would occur on fill within the flood inundation area. The project will comply with applicable City conditions regarding high groundwater, weak foundation soils and steep slopes.

- (15) Arrange the various land uses in a manner that is energy efficient.

With respect to transportation as a major component of energy consumption, the proposed project's pedestrian and bicycle systems, are designed to provide a variety of direct, safe and pleasurable opportunities (other than the car) to travel within the development and thus reduce the amount of energy consumed for transportation purposes.

5.030 GENERAL OBJECTIVES

- (1) Provide for the housing needs of existing and future City residents.
- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing.

For the entire project site, approximately 7.2 acres of RH / HR High Density High Rise Residential land would generate at a range of 26 to 30 dwelling units per acre approximately 187 to 216 dwelling units adjacent to the City's commercial core. The project's RH High Density Residential area with 68.2 acres would yield (a range of 16 to 25 dwelling units per acre) another 1,091 to 1,705 dwelling units within close proximity to the commercial core. When combined, these two residential areas could provide a total of approximately 1,278 to 1,921 dwelling units. The project's high density residential developments would be adjacent to the City's commercial core and within close proximity to the community center, community park, library, post office and city hall. Arterial or collector roads frame the project site on three sides. A new north-south collector (SW 90th Avenue) would bisect the project. The proposed project's high density residential areas are adjacent to an existing multi-family area northeast of the project site. The maximum densities may

only be achieved by transferring densities on site or through a variance process.

- (14) Protect residential, commercial and sensitive industrial uses from the adverse environmental impacts of adjacent industrial use.

The location of project open space extending through the center of the site in a southwest to northeast direction reduces the environmental impact of large areas of commercial and industrial development. In addition, the project would include a berm between the WPA and SW Tualatin Road along the westerly edge of the site area. The open space and berm treatment will separate and provide a buffer between the existing industrial area to the west and the proposed residential development within the site thereby reducing visual impacts.

5.040 PLANNING DISTRICT OBJECTIVES

- (4) High Density Residential Planning District (RH).

To provide areas of the City suitable for high density garden apartment and condominium development. Residential density less than 16 dwelling units per acre will not be permitted. The maximum density of any residential use in this district shall not exceed 25 dwelling units per acre.

The project's RH High Density Residential land encompasses 68.2 acres. Assuming this land would develop (at the low density end of 16 dwelling units per acre) approximately 1,100 dwelling units would occur. If this land is developed at the high density range of 25 dwelling units per acre, a total of 1,705 dwelling units would occur within this planning district. In order to develop at the high density level, a transfer in density and a height variance would be required.

- (5) High Density Residential / High Rise Planning District (RH-HR).

To provide areas within the City that are suitable for high density apartment or condominium tower development, so as to provide a maximum amount of preserved open space. Residential density less than 26 dwelling units per acres will not be permitted. The maximum density of any residential use in this district shall not exceed 30 dwelling units per acre.

The project's High Density High Rise Residential land is within the Central Urban Renewal Plan area. The project would provide approximately 7.2 acres of RH / HR land. At the low end of the allowable density range of 26 dwelling units per acre, this land would generate a total of approximately 187 housing units. At the high end of 30 dwelling units per acre, a total of 216 dwelling

units would be provided. In order to develop at the high density level, a transfer in density and a height variance would be required.

6.030 OBJECTIVES

(1) Encourage commercial development.

The project would provide nearly 22.6 net buildable acres of central commercial development. An additional 5.6 net buildable acres of office commercial would be located to the north of SW Tualatin-Sherwood Road east of SW 90th Avenue. The 15.4 acres of ML land is also useable for commercial office uses, subject to a vehicular trip cap.

(2) Provide increased employment opportunities.

The project would provide short term construction related employment opportunities. Over the long term, the nearly 28.2 net buildable acres of commercial development (central and office commercial) and the 15.4 net buildable acres of light manufacturing or medical clinic / office development would provide a variety of increased employment opportunities.

(3) Provide shopping opportunities for surrounding communities.

In addition to providing shopping opportunities for project residents, the project's proposed central commercial area is strategically located to provide shopping opportunities to Tualatin residents and those residents in surrounding communities via the I-5 and SW Tualatin-Sherwood Road corridors.

(4) Locate and design commercial areas to minimize traffic congestion and maximize access.

Arterial and collector streets frame the project site on three sides. These include SW Tualatin-Sherwood Road, SW Boones Ferry Road, and SW Tualatin Road. In addition to these roadways, which presently maximize access, a new north-south collector (SW 90th Avenue) would bisect the project site.

(9) Provide for the continued development of major medical services facilities in the City of Tualatin, especially at the Meridian Park Hospital site.

The project includes the potential development of 15.4 net buildable acres of medical clinic/office development in the southwest corner of the site adjacent to the SW Tualatin-Sherwood Road.

6.040 COMMERCIAL PLANNING DISTRICT OBJECTIVES.

(1) Office Commercial Planning District (CO).

To provide areas suitable for professional office uses adjacent to or across from residential areas.

The project includes the potential development of 15.4 net buildable acres of medical clinic / office development in the southwest corner of the site adjacent to the SW Tualatin-Sherwood Road and 5.6 net buildable acres of office commercial northeast of the intersection of SW 90th Avenue and SW Tualatin-Sherwood Road. These two areas, suitable for professional office use, are adjacent to the project's high density residential areas and are accessible via pedestrian & bicycle connections and the proposed transportation improvements.

7.030 OBJECTIVES

(2) Provide increased local employment opportunity, moving from 12 percent local employment to 25 percent, while at the same time making the City, and in particular the Western Industrial District, a major regional employment center.

The project will provide short term construction related employment opportunities. Additionally, over the long term, the nearly 28.2 net buildable acres of commercial development and the 15.4 net buildable acres of light manufacturing or medical clinic / office development would provide increased employment opportunities. These increased employment opportunities would contribute to making the City, and in particular the Western Industrial District, a major regional employment center.

(3) Improve the financial capability of the City, through an increase in the tax base and the use of creative financing tools.

The project site is currently undeveloped and generates minimal property taxes. When completed the tax assessment role of the City would be enhanced by the development of approximately 4.5 net buildable acres of land in high density high rise residential use, 41.8 net buildable acres of high density residential, 28.2 net buildable acres of central commercial / office development and 15.4 net buildable acres of light manufacturing or medical clinic / office development.

- (14) Continue to protect the Hedges Creek Wetland and Tonquin Scablands from adverse impacts of adjacent development.

Approximately 27 acres of the project site will be protected as the Wetland Protection Area and the Sweek Pond Management Area. The WPA and SPMA will be protected through a combination of federal, state and local regulations.

7.040 INDUSTRIAL PLANNING DISTRICT OBJECTIVES

- (2) Light Manufacturing Planning District (ML).

- (b) To provide sites for industrial uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy industrial uses.

The project includes the potential development of 15.4 net buildable acres of light industrial or medical clinic / office development in the southwest corner of the site adjacent to the SW Tualatin-Sherwood Road and approximately 28.2 net buildable acres of central commercial and office commercial development northeast of the intersection of SW 90th Avenue and SW Tualatin-Sherwood Road. These two development areas are compatible with the project's high density residential area to the north of the Wetland Protection Area and buffer the heavier industrial uses to the west. In addition, the location of the project's open space extending through the center of the site area in a southwest to northeast direction with residential to the north of the WPA and shopping and employment areas to the south reduces the potential for land use conflicts.

11.030 OBJECTIVES OF THE TRANSPORTATION PLAN

- (25) Develop safe and convenient pedestrian and bicycle systems linking land use and providing access to publicly-owned land intended for general public use.

As indicated in Figure 4, pedestrian and bicycle connections will be built to provide access across the WPA and SPMA within the project's wetland protection area; to SW Sweek Drive which provides access to the Community Park located to the east of the intersection of SW Sweek Drive and SW Tualatin Road; and to the Commons development, which is east of the intersection of SW Boones Ferry Road and SW Nyberg Street. Within the project site, the commercial, office, industrial and residential areas would be linked by pedestrian and bicycle systems.

12.020 WATER SERVICE POLICIES

- (1) Plan and construct a City water distribution system that supports the land uses designated by the Tualatin Community Land Use Plan.

Water service to the site would consist of a loop system served from existing water mains which exist in the public rights-of-way that frame the project area. The distribution system would be built to support the land uses designated by the Tualatin Community Land Use Plan.

Appendix A

CHRONOLOGY OF EVENTS AFFECTING ZIAN SITE

The following lists the chronology of the *Comprehensive Plan*, plan amendments and other actions affecting the site:

- 1971 The *Comprehensive Plan* for the City of Tualatin was adopted in 1971. It established the original land use designations for the City. Since adoption, the *Comprehensive Plan* has been amended a number of times. In its current form, it is referred to as the Tualatin Development Code (TDC). It is, in effect, a unified comprehensive plan and zoning ordinance. The *Tualatin Community Plan* identifies the Zidell property as being within a flood hazard area and establishes zoning for light and heavy industrial use.
- 1977 US Army Corps of Engineers (Corps) issues notice of jurisdiction over Hedges Creek marsh.
- 1978 Commencement of interagency wetland identification / fill / management effort.
- 1980 Adoption of the Wetlands Protection District - TDC Chapter 71.
- 1983 Corps issues General Fill Permit to allow filling of identified wetlands within a wetland area totaling 108-acres [outside the Wetlands Protected Area (WPA) but within the City's Wetlands Protection District (WPD)], including portions of the Zidell property.
- 12 / 1987 "Cooperative Agreement" negotiation process commences.
- 12 / 1988 Corps General Fill Permit reissued (valid 5 years).
- 1 / 1990 "Cooperative Agreement" entered into by Zidell, United States Army Corps of Engineers (Corps), United States Environmental Protection Agency (USEPA), United States Fish and Wildlife Service (USFWS), Oregon Department of State Lands (DSL), Oregon Department of Fish and Wildlife (ORDFW), The Wetlands Conservancy and Audubon Society of Portland.
- 3 / 1990 City Adoption of Plan Map and Text Amendments, PMA-89-05 and PTA-89-16, altering the planned land use pattern of the Zidell site (Ordinance No. 800-90).*
- 1990-1992 Various developer inquiries, primarily focusing on retail commercial development of CC portion of site at southeast corner (SW Boones Ferry Road / SW Tualatin-Sherwood Road intersection).
- 4 / 1993 Zidell / Andersen partnership formed (ZIAN, Inc.).
- 8 / 1993 Grading and fill in the area south of the WPA.
- 3 / 1995 Tualatin City Council adopts PTA-94-12 to allow CO uses in ML areas adjacent to CO, subject to specified limitations (Ordinance No. 942-95).*

* Denotes Amendments to the *Comprehensive Plan*

Appendix B



SOUTHWEST

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Ne

Tualatin expands bus shuttle service

Early Bird Express is aimed at people who live in the Portland area, work in Tualatin and need to be on the job by 6

By **MICHAEL A.W. OTTEY**
of The Oregonian staff

TUALATIN — The Tualatin Transportation Management Association will launch a new, earlier shuttle bus service to better serve workers at various Tualatin businesses and boost lagging ridership, a spokesman said Thursday.

The Early Bird Express will begin its run Jan. 19, from down-

town Portland to Tualatin, said Daniel Kaempff, program manager with the Transportation Management Association, or TMA. The TMA is a service of the Tualatin Chamber of Commerce and funded through local businesses and Tri-Met grants.

The Early Bird Express will depart at 5:32 a.m. from the Portland Transit Mall at Southwest Fifth Avenue and Yamhill Street and arrive in Tualatin before 6 a.m.

The service is designed for people who live in the metropolitan area, work at businesses in Tualatin, and have to be at work by 6 a.m.

Previously, the shuttle service

started at 6:15 a.m. and connected with the first Tri-Met bus service to Tualatin.

The earlier bus service will connect directly with 22 additional Tri-Met lines and MAX in downtown Portland, making it convenient for more people who work in Tualatin. Tri-Met bus line 96 will provide evening service back to Portland.

In addition, to encourage even more people to leave their cars at home, the TMA is providing one-transfer service to Tualatin's industrial area from Hillsboro, Forest Grove, Vancouver and East Portland.

"We've had this shuttle service in existence for about six months

now," Kaempff said. "We were finding that people were hesitant to use it because of the number of bus changes they would have to make, depending on where they live."

Kaempff said the shuttle service came about because businesses complained it was difficult hiring and keeping employees because it was difficult to get to Tualatin. Some workers do not own a car and depend on public transportation, he said.

But businesses found the 6:15 a.m. bus service still was not meeting the needs of some workers who were required to be on the job by 6. So adding the earlier bus shuttle became necessary, Kaempff said.

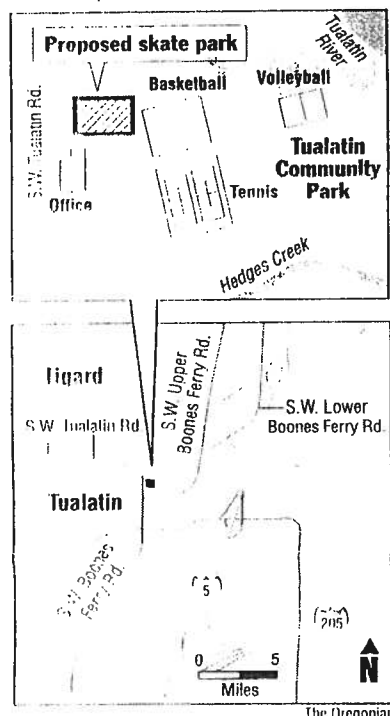
He said an estimated 6,000 people work in Tualatin's western industrial area.

"We're transporting between 15 and 20 riders a day," Kaempff said. "We're trying to encourage more people to use it."

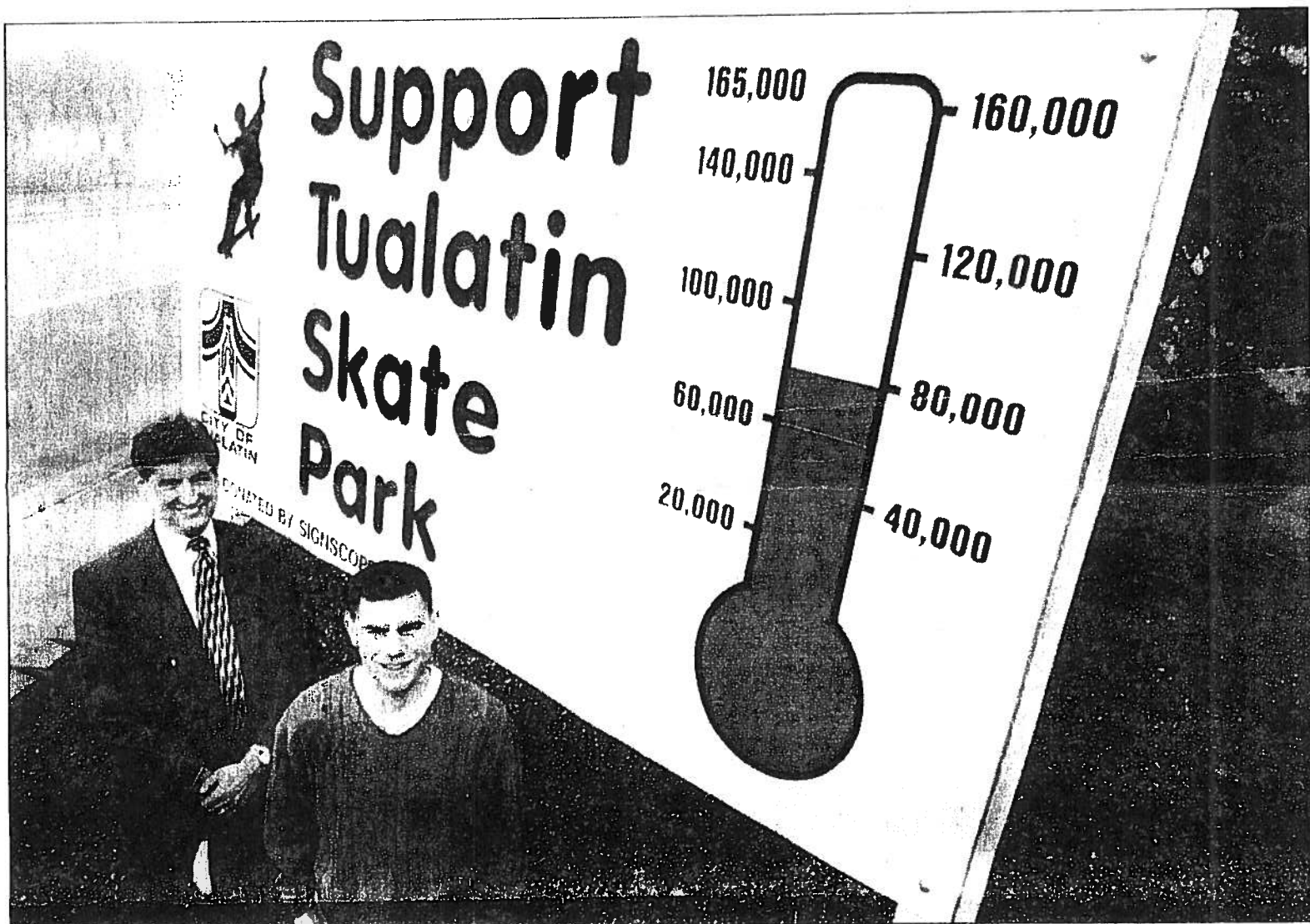
Kaempff said the goal is to get 40 to 50 riders a day this year.

The shuttle makes seven runs each day, three in the morning and four in the afternoon, Kaempff said. "We just have one bus and it runs a loop," he said. "It takes about 15 minutes to complete the loop."

More information on the bus shuttle and schedule can be obtained at the chamber's Web site at www.tualatinchamber.com



Chris Bergstrom, 17, junior class president at Tualatin High School, is joined by Bob Durgan of Andersen Construction Co., at a sign gauging how much money has been collected for the proposed Tualatin Skate Park. On Thursday, the company agreed to supervise construction of the project free of charge.



ROBERT BACH/The Oregonian

Money, help roll into Tualatin Skate Park

Fund-raisers, encouraged by community support and a large commitment from Andersen Construction this week, say more cash is now needed

By **MICHAEL A.W. OTTEY**
of The Oregonian staff

TUALATIN — Contributions for a proposed city skate park have exceeded expectations thanks to the local business community's response with labor and materials. But volunteers say more cash is needed to see the project through.

It will cost \$165,000 to build Tualatin Skate Park, proposed for a site west of the basketball courts at Tualatin Community Park, 8515 S.W. Tualatin Road.

Park supporters have raised \$55,874 in donated labor and construction materials, and \$31,000 in cash, for a total of \$86,874.

"We're in great shape," said Paul Hennon, city parks and recreation director. "We're more than halfway there."

The project received a big boost Thursday after Andersen Construction Co. Inc. agreed to donate its services to coordinate and supervise construction.

Bob Durgan, who handles development and acquisition for the firm, met Thursday with Mayor Lou Ogden, Hennon and Chris Bergstrom, a junior at Tualatin High School who last year came up with the idea for the skate park. They discussed particulars about overseeing the project.

"They wanted to know if we would help out and we said 'Sure,'" Durgan said. "We get involved in community projects."

Hennon and Ogden said the financial cost to Andersen had not yet been calculated, but it is sizable.

"Their contribution is substantial in terms of dollars and influence," Ogden said. "Andersen is coming in to pull it all together."

Volunteers made up of city officials, civic leaders and Tualatin youths hope cash contributions will make up the bulk of the approximately \$78,000

still to be raised. Supporters of the project are generally pleased with the response, even though they had hoped \$90,000 would be in the form of cash.

Hennon said goals of cash vs. contributions of labor and construction materials will balance out in the end, but cash is necessary to pay for certain items such as final design plans. Purkiss Rose-RSI, a landscape architecture firm in Fullerton, Calif., is the park's designer.

City Councilor Helen Cain, who has been working with youths to raise money through cookie sales, said as long as volunteers remain focused they can achieve their goals. "We still have ahead of us some hurdles," she said.

One of those hurdles is persuading a key Tualatin employer to donate a large sum of cash.

With fund-raising going relatively well, park backers can now envision building a 9,080-square-foot park, instead of a smaller 6,090-square-foot park.

In November, the Tualatin City Council was presented two skate park

designs that allowed for construction in one or two phases. How much money and donated material were collected would dictate the park's size and scope, Hennon said at the time.

On Thursday, he expressed confidence that enough money and material would be raised to build the larger skate park. The smaller park would have cost \$43,000 less.

Unlike other communities where opposition or lack of support has stalled similar projects, Tualatin residents have been supportive from the start.

Bergstrom, the 17-year-old who pitched the idea last March to the City Council, said he had no doubts the community would be able to pull it off.

Students have been working hard on a number of projects, including collecting pop cans in the school cafeteria and selling cookies. He said several other fund-raising activities are planned, including a skateboarding demonstration and competition on Feb. 7.

"It's been wonderful," Bergstrom said. "We're all very pleased up to this point how things are going."

TUALATIN SKATE PARK

■ **WHO:** Tualatin Parks & Recreation Department and community volunteers

■ **WHAT:** Seeking cash contributions for a proposed skate park at Tualatin Community Park, 8515 S.W. Tualatin Road. About \$78,126 needs to be raised to meet the goal of \$150,000.

■ **WHEN:** Supporters hope to raise the money by late February. Construction would begin in summer, for a fall opening.

■ **CONTRIBUTIONS:** Make checks payable to City of Tualatin — Skate Park. Mail tax-deductible contributions to Tualatin Skate Park, c/o Parks and Recreation Dept., P.O. Box 369, Tualatin, Ore., 97062.

■ **INFORMATION:** Call Paul Hennon, parks and recreation director, 692-2000, Ext. 931.

Paths through Tualatin offer a stroll for the soul

The town's ArtWalk features cultural and natural history as well as paintings and sculptures

By JANET GOETZE
THE OREGONIAN

The Tualatin ArtWalk isn't all art. Cultural and natural history also are part of a stroll that can be as short as a turn around the Tualatin Commons or continue for nearly three miles around the city's central section.

The ArtWalk opened when the sun was high in July, but as the days shrink toward the winter solstice, the walk offers a different light on the city's outdoor sculpture and the subtle colors in the wetlands spreading out from Hedges Creek.

Walkers can see three bronze sculptures, a student-designed history mosaic, art-glass drinking fountains and "glacial erratics," the large rocks scattered throughout the Commons as remnants of an Ice Age flood in the northern Willamette Valley.

Trails along the wetlands pass berry-bearing plants and a variety of grasses, while trekkers listen to birds with songs and calls rising above the distant traffic hum.

Those who walk during business hours can drop into city office buildings to see paintings, prints and other two-dimensional art in Tualatin's Visual Chronicle, which is a continuing collection of works purchased since 1995 to show the character of the community.

Another collection of work by

Northwest artists is in the lobby of the Kaiser Permanente clinic — 19185 S.W. 90th Ave., off Tualatin-Sherwood Road — which is linked to other ArtWalk sites by pathways along the wetlands.

The ArtWalk, marked by arrows on posts at strategic points along the way, was proposed by Kathy Forrest, a former City Council member. She picked up the idea from Ashville, S.C., officials at a national "Sustainable Cities" conference a few years ago.

"It seemed like it would be financially doable, without costing millions of dollars," said Forrest, who sits on the city's Arts Advisory Committee.

With the enthusiastic backing of the City Council, a committee began planning an art walk, she said. Then someone suggested including natural and historical features, Forrest said, and Tualatin's walk took a unique path.

Kaiser Permanente officials liked the idea so much that they contributed \$25,000 of the nearly \$77,000 cost of planning and creating the ArtWalk, said Paul Hennon, Tualatin's community services director. Another \$10,000 came from the families of Emory Zidell and H.A. "Andy" Anderson, he said.

The ArtWalk was designed for expansion, Forrest said, as more art is acquired and more natural and historical features are researched.

A sculpture garden on the east side of Tualatin Commons is in the plan, Hennon said, as soon as funding becomes available.

The sculptures on the walk include a bronze of two jubilant children, titled "Spring Break," by Jerri

PATHS TO PUBLIC ART

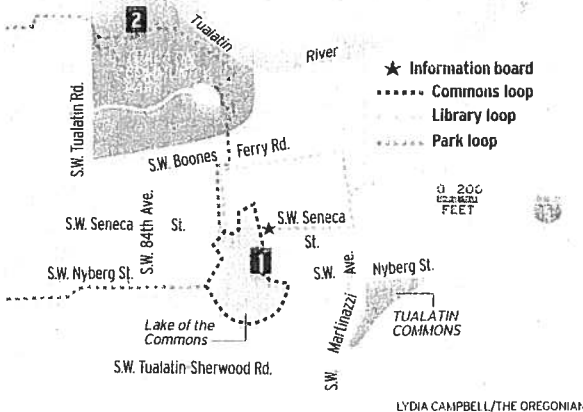
Each loop of the Tualatin ArtWalk has special features. An information board, on Seneca Street at the Lake of the Commons, gives an overview of the route.

The Tualatin Commons Loop, one-third mile around the lake, includes a variety of installations, including a crawfish mosaic fountain and a bronze by Jerri Joslin of West Linn called "Spring Break" (1).

The Park Loop is one mile. Features include a skate park wall in Tualatin Community Park with mosaic panels (2) made by schoolchildren to show Tualatin's history.

The Library Loop of one-third mile includes paintings, prints and drawings, as well as a locally excavated, 11,300-year-old mastodon skeleton.

The Wetland Loop (not shown) of one mile includes the plants and birds of marshes bordering Southwest 90th Avenue and the Kaiser Permanente Tualatin Clinic, which also has a lobby display of Northwest artwork.



Joslin of West Linn. It is at the north side of the Commons pond. On the east side of the pond is a bronze of a girl, a dog and two kittens, titled "Sharing Ice Cream," by Peter Helzer of Pleasant Hill.

Near the front door of the Police Services Building, 8650 S.W. Tualatin Road, is "The Protector," a bronze by the Brodin Studio of

Portland, showing a policeman with two children.

Another outdoor artwork is the mosaic by schoolchildren around a wall of the skate park in Tualatin Community Park, off Tualatin Road north of Boones Ferry Road. The mosaic depicts city history, from Tualatin's days as an agricultural center to today's homes,

TUALATIN ARTWALK

What: A brochure outlines the Tualatin ArtWalk, arranged in four loops varying from one-third mile to one mile.

Where: The brochure is available at city offices, 18880 S.W. Martinazzi Ave., and the Council Building, 18884 S.W. Martinazzi Ave. City-owned art is displayed at both sites. More art is on the edge of the Community Park loop in the Police Services Building, 8650 S.W. Tualatin Road, and in Community Park behind the Community Services Department office, 8515 S.W. Tualatin Road.

When: Art in public buildings may be viewed during office hours: 8 a.m. to 5 p.m. weekdays. Art in the library may be viewed from 9:30 a.m. to 8:30 p.m. Monday through Thursday, 9:30 a.m. to 5:30 p.m. Friday and Saturday, and 12:30 to 5 p.m. Sunday.

Cost: Brochure and viewing are free.

Information: Paul Hennon, community services director, 503-692-2000; or www.ci.tualatin.or.us/living/arts/art_walk.htm

schools and skate park.

A color brochure outlining the ArtWalk, plus nearby historical buildings, is available at the city office building, 18880 S.W. Martinazzi Ave., or the Council Building at 18884 S.W. Martinazzi Ave. Because the brochure was the city's first effort at guiding visitors, Hennon said, he wants those who use it to tell him what could be improved in future printings.

The brochure includes a map, made from an aerial photograph with digitally enhanced colors. The map shows street names and symbols for artistic, natural or historical features.

It also shows question marks inside red circles, but that symbol was left off the legend, Hennon said. The question marks show where signs are posted with information about art or natural areas.

One of the most unusual features of Tualatin's ArtWalk is "Tu Tu Tuala," the name given to the skeleton of a mastodon excavated in 1962 by John George and Ron

Sund, who were students in a natural-history class at Portland State University. A relative of George's had unearthed bones years earlier in a field where the Fred Meyer store now stands on Martinazzi Avenue. George, assisted by Sund, went looking for more bones to complete a class assignment.

The skeleton, carbon-dated at 11,300 years old, is displayed in the short hallway outside the city library at 18880 S.W. Martinazzi Ave.

Those who like their art in a natural state may find it while walking on the pathway south of the Police Services Building and pausing on the wooden bridge across Hedges Creek.

A variety of birds trill and warble in the trees lining the creek, which cascades over rocks near the bridge. And sometimes, the shrubbery rustles with small creatures.

Janet Goetze, 503-294-5917;
janetgoetze@news.oregonian.com



August 28, 1995

195P0

B R W INC.

Mr. Bob Durgan
Andersen Construction Co., Inc.
6712 N. Cutter Circle
Portland, OR 97217

**Subject: BN and SP Rail Corridor Connection
Tualatin - Tigard Area**

Dear Bob:

Our work to date, as summarized in our July 11, 1995 memo to you, indicates that creating a connection between the Burlington Northern (BN) and Southern Pacific (SP) rail corridors appears to be a great opportunity, resulting in short and long term benefits to many different parties. The question remains, though, on how to move the project forward. What is needed is a more clear description of the project benefits and costs, how much funding is necessary and an understanding of who should take the lead in funding and implementation.

This letter is a proposal from us to assist you in taking the next steps necessary to move the project forward. We are proposing two tasks:

1. **Meet with individuals to further define the costs and benefits.** Examples include identifying potential savings in City of Tualatin road improvement projects, economic development opportunities in Tigard, or in achieving railroad crossing reduction goals set by the Federal Railroad Administration. These interviews will also clarify potential concerns associated with the project. Key groups that we will interview include representatives from:

- o Oregon Department of Transportation
- o Oregon Public Utilities Commission
- o City of Tigard
- o City of Durham
- o City of Tualatin
- o Portland & Western Railroad

The Portland & Western Railroad is scheduled to assume operations on both the SP and BN trackage in the Tualatin area within the next month.

A:\DURGAN.PRO

Planning
Transportation
Engineering
Urban Design

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Suite 1050
Portland,
OR 97232
503/232-5787
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Denver
Milwaukee
Minneapolis
Orlando
Phoenix
Portland
San Diego
Seattle

Mr. Bob Durgan
August 28, 1995
Page 2

The proposed connection allows for the implementation of a commuter rail network which would provide routes to both the Newberg as well as Wilsonville areas. Commuter trains would follow the existing trackage from the Tualatin area through Lake Oswego and Milwaukie arriving in Portland at Union Station.

As necessary, we will follow up with analysis of how costs and benefits would be different with the connection. For example, we can estimate the cost savings that could result from a narrower scope of necessary road improvements in Tualatin. The elimination of the at-grade railroad crossing at the Tualatin-Sherwood Road/SW Boones Ferry Road would allow the City of Tualatin to greatly expand the design possibilities at this intersection.

2. **Refine the connection alignment to better determine costs and benefits.** The engineering effort will result in more information about right-of-way needs, wetland and other environmental impacts and implementation costs.

We will prepare a memo describing our findings, including identification of available funding, funding gaps, and parties most interested in supporting the project. We will also be prepared to assist you in briefings of key individuals on this project.

We can complete these next steps in the implementation process for a budget of \$35,000. This includes \$5,000 for further refining costs and benefits to affected parties and \$30,000 for a conceptual level alignment analysis. We will evaluate up to three alignments analyzing the following issues: (1) property acquisition, (2) track design and cost, (3) at-grade crossings, and (4) wetlands. We are prepared to begin on this project immediately and could complete the analysis within 6 weeks of authorization to proceed.

BRW, Inc. is well-qualified to complete these tasks for you. Chris Deffebach, an Associate at BRW, will take the lead on meeting with the affected parties to define benefits and costs. Chris has 15 years of experience in planning and has worked on many projects that require developing an understanding of who benefits and how. She has worked extensively with City managers, elected officials, planning and public works directors and the business community on a variety of transportation projects. Locally, she has assisted in planning for the South/North Transit Corridor Study. Prior to joining BRW, she led the development of the rail proposal for the Regional Transit Project's South Corridor, between Seattle and Tacoma for Metro.

Bill Burgel will lead the engineering and operations efforts. Bill has over 23 of experience in rail engineering and operations. He is intimately familiar with the rail issues in this area

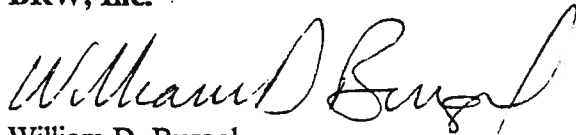
Mr. Bob Durgan
August 28, 1995
Page 3

through his work with Tri-Met on allowing use of the BN right of way for light rail, assisting Willamette and Pacific Railroad and through his previous experience as Chief Dispatcher for the Union Pacific Railroad.

We are interested in seeing this project move forward for a number of reasons --one of which is that it is rare to see a project that appears to make so much sense to so many parties. We would like to work with you to make it happen. If you have any questions, please call either Bill or Chris at 232-5787.

Sincerely,

BRW, Inc.



William D. Burgel
Manager, Railway Services



Christina J. Deffebach
Associate

WDB/scp

Memorandum



2441

Date: July 11, 1995
To: Bob Durgan
From: Bill Burgel & Chris Deffebach *JD*
Subject: Benefits of Combining the Burlington Northern and Southern Pacific Rail Corridors between Tualatin and Tigard

Planning
Transportation
Engineering
Urban Design

700 N. E. Multnomah St.
Suite 1050
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This memo describes the potential connection between the Burlington Northern and Southern Pacific rail corridors in the Tualatin and Tigard area, identifies potential advantages and disadvantages and proposes next steps that could be taken to move the project forward. We hope it answers your questions about the project and will serve your purposes. If we can be of additional assistance, please let us know.

1.0 Background:

Two railroads, one aligned north-south and one aligned east-west, are located in the Tualatin and Tigard areas of Washington County. The railroad aligned north-south is owned and operated by the Burlington Northern Railroad (BN) and is designated the Oregon Electric (OE) Subdivision. The east-west railroad is the Newberg Branch owned by Southern Pacific (SP) and operated by Willamette & Pacific (W&P). These railroads cross each other on an overpass just north of the Tualatin Commons area. No physical connection exists between the two routes at this location. North of Tualatin, the two railroads parallel each other until joined at Greton, north of Tigard.

The traditional movement pattern of trains operated by SP and BN through the Tualatin and Tigard areas has changed significantly in the past year. BN has obtained trackage rights on SP's Valley Main and, as a result, has diverted their mainline trains to this line. Currently, only one local train utilizes BN's track on the OE Subdivision between Salem and St. Mary's Junction. SP has assigned trackage rights to W&P who operate two freights (one inbound and one outbound) daily between Newberg and Brooklyn Yard in Portland on the Newberg Branch. Both SP and BN are currently negotiating with W&P for the right to operate their trains in the Washington County area. When this transaction occurs, for the first time in history, Washington County will be served by one railroad, to be named the Portland & Western (P&W) Railroad.

The combination of the BN's use of the Valley Main instead of the OE subdivision and the operation of both the OE Subdivision and Newberg Branch by one operator creates the opportunity to construct a connection between the two railroads in the Tigard/Tualatin areas and abandon a portion of the BN track between Avery Road and SW Bonita Road, as shown in Figure 1. This connection would allow the new operator to use both tracks. The local train that currently uses the BN line and other potential new customers could be routed over the paralleling SP line.

2.0 Advantages of constructing the railroad connection

Construction of the new connection between the two railroads would have several advantages for traffic movement, freight mobility and land development.

- 2.1 *Eliminates at-grade crossings.* At-grade crossings delay vehicular, pedestrian and bicycle traffic as well as train movement and present safety risks. In addition, the Federal Railroad Administration has a goal of reducing the number of at-grade crossings by 25%. Increasing traffic volumes on roads in this area make these crossings a greater concern for safety and traffic movement. If a connection were built and the BN alignment abandoned between Avery Road and SW Bonita, at-grade road crossings could be eliminated at:

90th (proposed),
Tualatin-Sherwood Highway
SW Tualatin Road
SW Durham
SW Bonita (one track will remain).

Depending on the potential to combine operations on one track north of SW Bonita Road, thereby using only one of the two tracks that are parallel in this area, elimination of at-grade road crossings for one of the two tracks are possible at:

SW Hall (one track will remain).
SW Main Street (one track will remain).

- 2.2 *Offers development potential.* The railroad tracks pass through some of the fastest developing land in the metropolitan region utilizing otherwise valuable land and present some obstacles to road improvements. The

connection would eliminate trackage along west side of Lower Boones Ferry Road through Tualatin, allowing for the eventual improvement of this arterial, and create a possible corridor for the extension of SW Hall south of Durham. Both BN and developers could benefit from the sale of the track.

- 2.3 *Saves road improvement costs.* The City of Tigard and the City of Durham have scheduled improvements at the crossings at SW Bonita and SW Durham in the very near future. By improving the crossing for only one track, in the case of SW Bonita Road, or elimination of the crossing, as in the case of SW Durham Road, the respective cities could realize cost savings.
- 2.4 *Offers freight mobility improvements.* The connection offers distinct advantages to the P&W. In discussions with Bob Melbo, General Manager for the P&W, the primary goal of the new railroad will be to rebuild the rail business by rebuilding the confidence of Washington County rail shippers. By constructing the connection complete with a wye, allowing both south and north movement from the BN to the SP, P&W would be able to improve service to rail customers throughout the region without loss of service to local customers. With no current rail customers on the portion of BN trackage proposed for abandonment, no rail business would be lost.

3.0 Disadvantages to constructing the connection

Potential disadvantages with the railroad connection include construction impacts, wetlands mitigation issues and traffic issues:

- 3.1 *Business disruption.* Based on available right-of-way, the possible alignment shown in Figure 1 would minimize disruption to property owners south of Tualatin-Sherwood Road. North of the Road, it is likely that a 50- to 60 foot easement would be required to construct the railroad which may disrupt two to three businesses. Property and building acquisition issues would need to be resolved.
- 3.2 *Requires wetland mitigation.* A portion of the alignment crosses a parcel owned by the Nature Conservancy and includes wetlands. To minimize wetland impacts, the railroad connection could be constructed on a trestle over the wetland area. A wetland mitigation plan would be required.

- 3.3 *Requires new crossing of Tualatin-Sherwood Road and possibly at Teton Road.* Though abandonment of a portion of the BN track would eliminate several at-grade crossings, the connection would require a new at-grade crossing of the Tualatin-Sherwood Road and possibly at Teton Road. This crossing would occur at a greater distance from the congested I-5/Lower Boones Ferry Road area than the existing crossing.

4.0 Action Steps:

The potential benefits associated with the new railroad connection appear to outweigh the disadvantages. In order to move this concept forward, a feasibility study should be done which would further detail the project advantages and disadvantages. The feasibility study would:

- 4.1 *Identify a project sponsor*, who could take the lead in contributing financially and/or seek public and private sector contributions to the project. Though, the benefits provided by this project far outweigh the disadvantages, no one agency is the direct beneficiary. The feasibility study should identify potential project sponsors and identify the potential benefits they may receive from the project. Potential sponsors who should be considered include:

- o State of Oregon Department of Transportation
- o Oregon Public Utilities Commission
- o City of Tigard
- o City of Durham
- o City of Tualatin
- o Portland & Western Railroad
- o ZIAN

One approach to identifying a project sponsor is to establish a steering committee composed of representatives from the above list could meet to discuss the project.

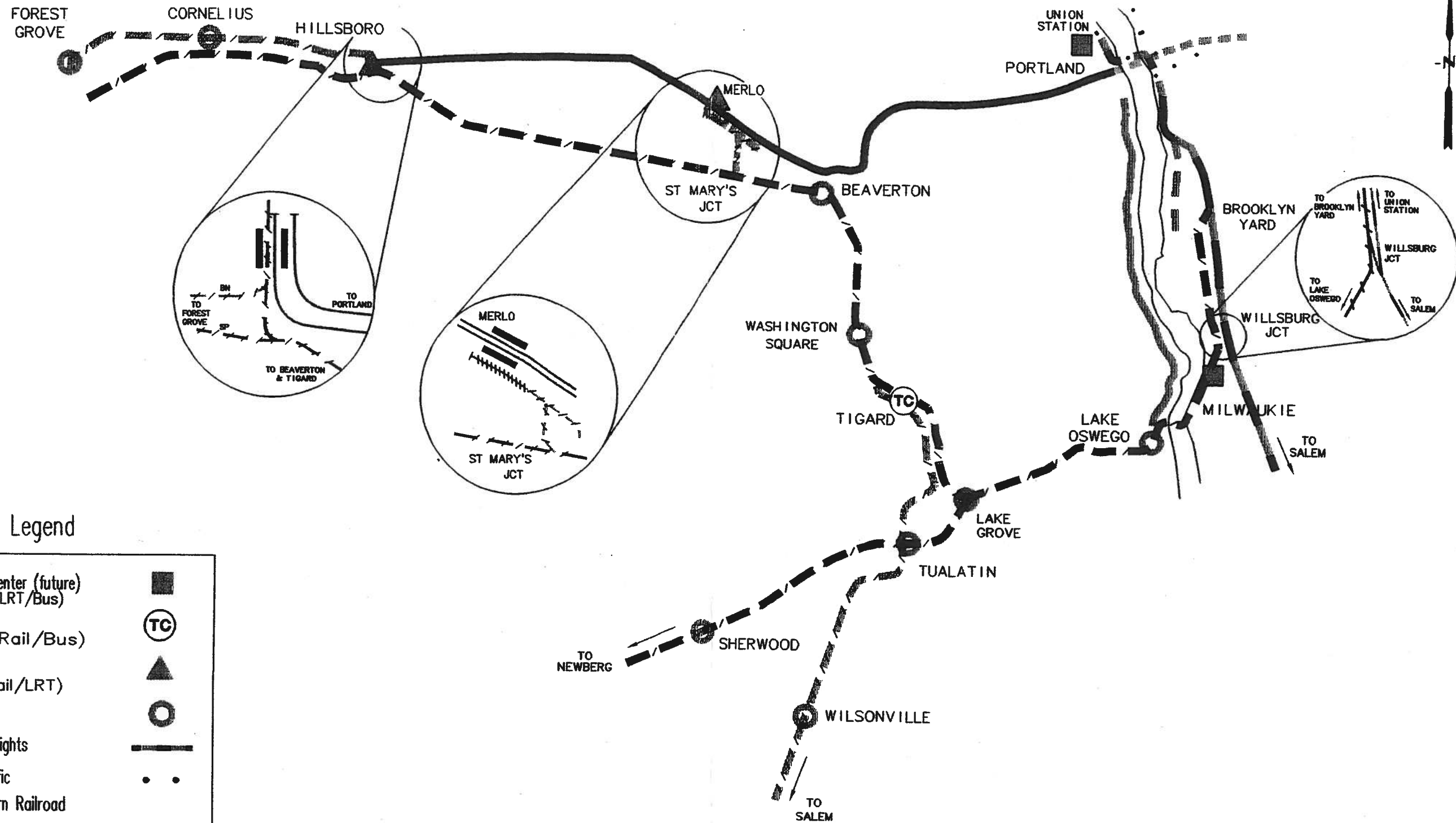
- 4.2 *Identify a funding source.* Several sources of funds exist to initially launch this project. These include the avoidance costs associated with constructing only one crossing at SW Bonita and the proposed improvements at SW 90th, at SW Durham, and at the proposed crossing at ZIAN. While the total cost of the project is still unknown, it is likely that approximately \$4 million could be required for the proposed connection.

Bob Durgan Memo

July, 17 1995

Page 5

- 4.3 *Identify an alignment.* Though alternative locations for the connection have been explored at a conceptual level, no design of a connection has been completed. At a minimum, the feasibility study should establish a preferred and alternative alignment and prepare a realistic cost estimate, complete with wetland and other mitigation costs.



Legend

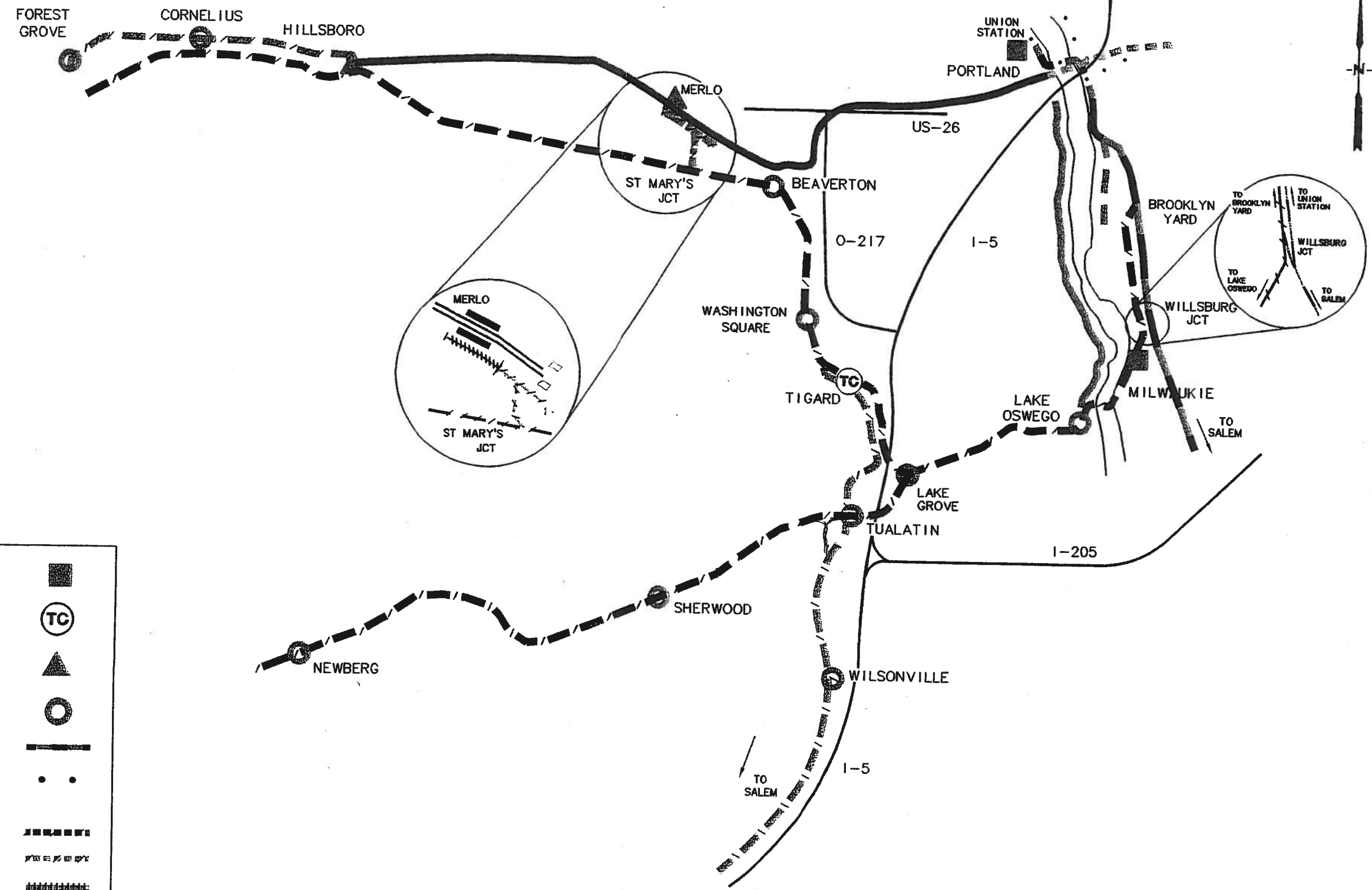
Transfer/Transit Center (future) (Commuter Rail/LRT/Bus)	■
Transit Center (Commuter Rail/Bus)	TC
Transfer Station (Commuter Rail/LRT)	▲
STATION	○
BN/SP Trackage Rights	—
UP Union Pacific	• •
Portland & Western Railroad	—
SP Underlying Lease	—
BN Underlying Lease	—
Track to be Constructed	#####
East Portland Traction Company	—
Portland Terminal Railroad (Jointly Owned by BN,UP,SP)	—
Jefferson Street Trolley	—
WSLRT Existing Light Rail	—
WSLRT Tri-Met Westside Light Rail	—

PROPOSED
COMMUTER RAIL SERVICE
PORTLAND METROPOLITAN AREA
JANUARY 1996

• FIG48DB 4/7/96

Legend

Transfer/Transit Center (future) (Commuter Rail/LRT/Bus)	■
Transit Center (Commuter Rail/Bus)	TC
Transfer Station (Commuter Rail/LRT)	▲
STATION	○
BN/SP Trackage Rights	—
UP Union Pacific	• •
Portland & Western Railroad	—
SP Underlying Lease	
BN Underlying Lease	
Track to be Constructed	
East Portland Traction Company	
Portland Terminal Railroad (Jointly Owned by BN,UP,SP)	— • —
Jefferson Street Trolley	—
WSLRT Existing Light Rail	—
WSLRT Tri-Met Westside Light Rail	—



**POTENTIAL
COMMUTER RAIL SERVICE**
PORTLAND METROPOLITAN AREA
MAY 1996



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 3-8-10
Recording Secretary M. Grant

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: March 8, 2010

SUBJECT: APPROVAL OF THE WORK SESSION AND MEETING MINUTES
OF FEBRUARY 22, 2010

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the Work Session and Meeting minutes of February 22, 2010.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A. Minutes



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 3-8-10

Recording Secretary Maureen Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 22, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Mike City Engineer McKillip, City Engineer; Don Hudson, Finance Director; Paul Hennon, Community Services Director; Brad King, Police Captain; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Will Harper, Associate Planner; Dayna Johnson, Project Engineer; Eric Underwood, Development Coordinator; Will Harper, Associate Planner; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the work session to order at 4:30 p.m. and immediately went into executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation.

Mayor Ogden continued with the Work Session at 5:01 p.m.

Council reviewed the Consent Agenda with no changes.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Water Issues Update

City Engineer Mike McKillip presented information on water issues and possible future water sources. City Engineer McKillip reviewed the water agreement the City has with the City of Portland. The rates are calculated annually and are based on three major components, appreciation on investments, return on investments, and operation and maintenance. Tualatin does not pay for the waterlines for Portland, only for a certain part per the agreement. The City just completed working with Portland on rates. After five years, Portland did an audit of all their assets to make sure everything is where it should be. Calculations are included for peak season, June through the end of September, and also for three peak days.

Council reviewed with City Engineer McKillip a map indicating purchase price plus debt service over the years up to 2031/32. The map showed projections of what to expect with regards to costs versus projected costs. It was asked and answered what the cost is charged to the residents. Rates include operation, etc. not just water. What is not accounted for that could affect our rates is if other wholesale customers leave. City Engineer McKillip explained that if a portion of wholesalers drop out of the contract, the percentages would shift. He explained what some of the other jurisdictions are looking at for additional water sources to minimize their reliance on Portland. City Manager Lombos said staff believes this is a realistic forecast. Councilor Harris mentioned that is why the

Council decided to go with a 10-year contract with Portland instead of a 20-year. It was asked what the projections might be from the other jurisdictions and that it would be interesting to know how Tualatin compares to other scenarios in the region. It was asked by Councilor Maddux the reasoning for remaining with Portland. City Engineer McKillip and Operations Director Boss said the City has huge investment and for water quality.

City Engineer McKillip said in response to Councilor Davis' question that there is an amendment in the City's Charter about not using untreated Willamette River water, and requires a vote of the people. It was noted that it is only for "drinking" water.

City Engineer McKillip spoke on water future needs of Tualatin. The City Water Demands map was reviewed and City Engineer McKillip explained the water demand and how many gallons per day would be used and the south Tualatin area which includes the City's local aspirations, went from 17 to 12 gallons per day. City Engineer McKillip said the actual peaking factor is less than what has been projected, and has gone down over time. What is presented is showing the "worst case scenario" Community Development Director Rux explained the rationale of the possible acreage that could end up in the City. City Manager Lombos said the map wasn't meant as a policy statement. Councilor Beikman said the map is not reflective of the Council's determinations of the local aspirations, and suggested that the map should indicate it's a "worst case scenario." City Engineer McKillip said the way it is progressing now, he does not believe future demands will be as high as it was in the past. Discussed what are the rates and structures from other jurisdictions.

City Engineer McKillip mentioned the Aquifer Storage and Recovery (ASR) project. The City has been working on this project for the past three or four years, and at a point of not projecting or withdrawing any water. He explained there is a biological problem in the well where it was drilled. Water has all ingredients to grow bacteria and algae, and staff is certain that it is on the screens in the well and can't get water down well and into aquifer because the algae has plugged the screens. Staff has been looking at second round of testing and have talked with other cities that have ASR. Beaverton doesn't have the same problem, and Tigard has not had the same problem, although it is less clear why they haven't because they have the same amount as Tualatin. They do have a higher chlorine level and they are using an old well that had been used for domestic water purposes.

City Engineer McKillip said they hope to be able to inject again in fall. Essentially the well will need to be taken apart and the screens cleaned, then flushed and scrubbed along the faces of the aquifer, and do some changes in our well site. When the water is injected back in it will be a higher chlorine content, and should be enough to stop the organisms. The work will likely start around June and should be ready to start to reinject in the fall. It was asked and explained where and how the algae is being created, which is from a variety of sources. Mayor Ogden said that those that aren't using Portland water do not have the same problem. It was asked by Councilor Truax and answered that it will cost approximately \$300,000 to do the work. It was asked and answered how the work would be done in terms of equipment, etc. Councilor Maddux said after attending the home owner association meeting there was going to be an open house and asked what will be done now. City Engineer McKillip said there will be community outreach in the form of mailers, hold an open house, etc. City Manager Lombos said the consultant is not necessarily sure that this will work, and it was briefly discussed what would happen if it does not work. City Engineer McKillip said we have to at least do this process to find out if the problem will return. It was asked by Mayor Ogden and answered by Operations Director Boss that the ASR does meet standards, just can't get to it because of the filter problem.

City Engineer McKillip moved on to a discussion of Sherwood's waterline. Sherwood ended up coming in at half the cost than what was projected and are looking to other jurisdictions to buy a piece of the pipe. It would cost approximately \$45 million for Tualatin's share. Discussion on the costs and whether to go for the \$45 million option with Sherwood, and City Engineer McKillip said Tualatin could build a system at \$60 million option.

Councilor Davis expressed concern about water quality, and commented by doing this, spending \$45 million, would still require a vote of the people to be able to use Willamette River water. Discussion followed on various options for water. It was asked about the financial part of why Tualatin would take up Sherwood's offer for \$45 million instead of doing a \$60 million option in the future. Discussion followed. City Engineer McKillip said it is more of an opportunity that was presented to us, and if we want to have two water sources and not be totally depended on one source of water.

Mayor Ogden said, along with Councilors Beikman and Maddux that they haven't heard a good reason to split pipe and share, water quality issue aside. Councilor Harris noted there wasn't any information about the Clackamas River and City Engineer McKillip said it wasn't considered, and noted the further away the higher the cost. Councilor Harris said he didn't want to address this at this discussion, but asked if staff could provide information about the Clackamas River. It was noted there should be some public involvement as it is a big decision on what will residents want for Tualatin's future water sources.

City Manager Lombos said staff will come back to Council with the next steps with the Portland water agreement and provide Clackamas River information.

2. *Legacy Health Systems Development Agreement*

City Manager Sherilyn Lombos began the discussion and noted Alyson Anderson, CEO of Legacy Meridian Park Medical Center, and Larry Hill of Legacy Health Systems were present.

Associate Planner Will Harper explained some of the changes that have been done in the Development Agreement (DA). He also reviewed five additional questions and ideas Council had of the DA. Mr. Harper reviewed (page 3) what those additions were, as stated in the staff memorandum.

Mayor Ogden said of what the scale is today and what the expansion would be in the future what is the impact of Legacy in the future, with or without the expansion. The concern is how Legacy handles that. Mayor Ogden said he wants to be upfront about what is the long term goal of the city. Mr. Hill said he understands the dilemma, when the Medical Center (MC) planning district was set ten years ago or so, trying to project what would an MC district look like.

Mr. Hill said the idea is predicated on how big will Tualatin get in the surrounding area and be able to provide medical services. Legacy Good Samaritan and Emanuel hospitals do not have much land to expand. Legacy Meridian wants to be able to provide a range of services and do all they can, which will require some additional buildings. Mr. Hill said their capital is tight and it is hard to predict what will happen, and they cannot necessarily take into consideration what traffic issues would be when it is not known what Legacy will be building. It was asked about the current site and how tall could a building be. Councilor Barhyte said he doesn't believe that constructing as high as a 95 foot building fits the character of the neighborhood. Mr. Hill replied that building a 45 foot building wouldn't make sense for them, although he's not saying 95 feet is right answer. Asked and answered the height of one of currently buildings. Mr. Hill said Emanuel and Meridian Park are the only two in the state that have an MC planning district zone. Discussion followed on

what the building heights might or could be on the site. There will be a setback of 300 feet, which is a little more than half into the property.

Ms. Anderson said it is difficult, what with not with knowing what they actually plan for the site. They want it to be good for the hospital and the community. Councilor Barhyte said the issue remains that whether a 95 foot building would be compatible with the neighborhood.

Discussion followed. Council set the MC district designation and put the hospital in the position. Mayor Ogden said if there had been development on the 20 acres residentially, as the rest of Fox Hills, we probably would have had these types of discussion then. Councilor Truax said we need to decide what kind of hearing to have and have it. Councilor Maddux said she is with Councilor Truax on this. Mayor Ogden said it is worth the effort to try and get there. Mr. Hill said it seems there are four or five issues that are big and with no specifics, he can't alleviate the concerns. At the end of the day Tualatin has a community hospital that's been there for 40 years, and while they can't know now what they will be building, Legacy wants to work with the neighborhood.

Discussion followed, and City Attorney Braden interrupted and noted Council is moving away from the DA discussion, and there is an ongoing public hearing. Councilor Beikman suggested bringing the DA to the next meeting as it is presented tonight, and take a vote on it at that meeting. Council quickly reviewed the five suggestions and Mr. Hill said Legacy is fine with Nos. 2-3, but it isn't sure about Nos. 1, 4 and 5.

Mayor Ogden asked how in the purview of the process, without being ex parte, if there is a methodology to have a Council subcommittee, and City Attorney Braden said it couldn't be done without being ex parte. Staff will bring back on March 8, 2010, and add Nos. 2 and 3 to the DA.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with no changes.

E. PUBLIC HEARINGS – *Legislative or Other*

N/A

F. PUBLIC HEARINGS – *Quasi-Judicial*

N/A

G. GENERAL BUSINESS

N/A

H. ITEMS REMOVED FROM CONSENT AGENDA

N/A

I. COMMUNICATIONS FROM COUNCILORS

None.

J. EXECUTIVE SESSION

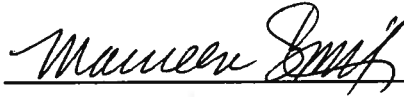
It was noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation was held before the start of the Work Session.

K. ADJOURNMENT

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith

_____



City of Tualatin

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Approved By Tualatin City Council
Date 3-8-10
Recording Secretary W. Smith

TUALATIN CITY COUNCIL MEETING MINUTES OF FEBRUARY 22, 2010

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

ABSENT: None.

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

A. CALL TO ORDER

Mayor Ogden called the meeting to order at 7:07 p.m.

The Pledge of Allegiance was led by Councilor Beikman..

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Update Tigard-Tualatin Family Resource Center* – Interim Director Katie Scaief
Interim Director Katie Scaief introduced herself and said she has been with the Tigard-Tualatin Family Resource Center since 2009, and is interim director while Catherine West is on maternity leave. Also present were Rachel Molitor, and family resource specialist Becky Padron. Becky has been with the Center since September, and is also bilingual and the first contact with clients. Ms. Scaief said on behalf of the Center they wanted to express their gratitude to the City of Tualatin for their donation, and in addition to thank the employees of the city of Tualatin for their donation of \$720, which will be used for hygiene, gas and bus ticket vouchers. Ms. Scaief especially wanted to thank Councilor Maddux for her support and participation on the Center Board. The support of organizations and volunteers make a difference. The Center is also partnering with the Oregon Food Bank to offer some classes on nutrition and healthy eating habits and receive a nutritional cookbook.

Mayor Ogden thanked the Center representatives for their update, and asked if the nutritional offering could be part of the City's upcoming Health Fair in April. Councilor Maddux noted the Center does a lot of work with the very small space they work with. There are many resources out there that are available to people. With her work with the Washington County Commission on Children and Families, Councilor Maddux said the resource centers are a success and she thanked the Tigard-Tualatin Resource Center for their hard work and dedication.

2. *Tualatin Tomorrow Presentation Key Focus Area – Arts, Culture and Education (ACE)*
 Larry McClure, Tualatin Tomorrow representative, presented a PowerPoint on the focus area of arts, culture and education. He started with a brief history of Tualatin and the diversity of the city. He noted 12% of the population has difficulty with English, and there are approximately 47 different types of languages spoken. The Latino population has increased over the years, and all information provided by the School District is in Spanish. The first Latino has been appointed, to fill a position, on the Tigard-Tualatin School District Board. The City of Tualatin is a major player, particularly the Library and there is currently information displayed on diversity, and many events are provided in Spanish. The arts programs offer diversity and music, arts program, the Student Visual Chronicle. The Willowbrook Summer Arts program is also offering scholarships for the Tualatin Latino community.

Mayor Ogden thanked Mr. McClure and the focus area group for the work they are doing and the statistical information provided. He suggested it be made available on the City's website.

3. *2009 Heritage Center Annual Report (heard at this point in the agenda)*

C. CITIZEN COMMENTS

Kathy Newcomb, 17515 SW Cheyenne Way, Tualatin, OR, was present and said she was pleased on the Water presentation that was given at the Work Session, and also that water use has decreased in the City. Ms. Newcomb also thanked staff for responding on an urban renewal issue and she noted the upcoming forum on March 1, 2010 on the Tualatin Road expansion and its impact to residents.

Ms. Newcomb said she had a question of urban renewal and the costs on the projects, and has been doing research on other cities. She has asked staff to provide more information to her. Ms. Newcomb said she believes the Central Urban Renewal District should end in June and start another district. She also had a question on the financing and asked staff for information. City Manager Lombos said she was unclear as to what Ms. Newcomb was requesting, and Mayor Ogden asked Ms. Newcomb to provide her request in writing and submit to staff.

D. CONSENT CALENDAR

Staff noted on the second page of the TriMet Intergovernmental Agreement (Packet Page 31), Paragraph 1c, last sentence, should read "*Boones Ferry*" Road Pedestrian Crossing.

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

1. Approval of the Work Session and Meeting Minutes of January 11, 2010 and February 8, 2010
2. Resolution No. 4958-10 To Approve an Intergovernmental Agreement to Collect and Remit Construction Excise Tax Between the Lake Oswego School District and the City of Tualatin
3. Resolution No. 4959-10 Relating to Parking on Martinazzi Avenue Between Boones Ferry Road and Seneca Street and Rescinding Resolution Nos. 752-80, 1036-81, and 1153-82
4. Resolution No. 4960-10 Authorizing an Amendment to the Intergovernmental Agreement

with TriMet and Washington County Regarding
WES Train Horn Noise Mitigation Funding

5. Community Involvement Committee Appointments
6. Approval of Liquor License Renewals for 2010

MOTION CARRIED.

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS

1. 2009 Heritage Center Annual Report

Tualatin Historical Society members Larry McClure and Yvonne Addington were present and gave a PowerPoint presentation reviewing the events and accomplishments of the Heritage Center this past year. It was noted the Center runs on a low budget, with help from program fees and donations, and also with the help of the City, in particular the maintenance of the Center by the City. Events and programs that take place at the Center were reviewed.

Mayor Ogden thanked the members of the Historical Society for for all the work they have done with the Heritage Center.

Yvonne Addington, Tualatin Historical Society president, also wanted to give an official announcement on some of the prehistoric "citizens" of Tualatin. She gave a background on the recent discoveries of bones, in addition to the mastodon the City has. Ms. Addington displayed bones of a prehistoric dinosaur which has now been correctly identified as a "Harlan Ground Sloth." She noted that are many more sites that have been finding various prehistoric bones which has generated a lot of interest. Mayor Ogden thanked Ms. Addington on the history and artifacts that are being discovered.

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. EXECUTIVE SESSION

Mayor Ogden noted an executive session pursuant to ORS 192.660(2)(h) to discuss current and pending litigation was held before the Council work session.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Maddux noted the Student Visual Chronicle is Thursday, 7:00 p.m., at the Juanita Pohl Center and encouraged everyone to attend.

K. ADJOURNMENT

MOTION by Councilor Barhyte SECONDED by Councilor Harris to adjourn the meeting at 8:08 p.m. MOTION CARRIED.

Sherilyn Lombos, City Manager

Recording Secretary / Maureen Smith 



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 3-8-10
Recording Secretary Al Smith

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: March 8, 2010

SUBJECT: APPROVAL OF 2010 LIQUOR LICENSE RENEWALS LATE SUBMITTALS

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2010. The businesses listed below submitted their 2010 renewal application too late to be included in the renewals approved at the February 22, 2010 Council meeting. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2010:

- Tualatin Island Grill
- Tualatin Valley Elks Lodge #2780
- Zao Noodle Bar

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing 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 liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

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 renewal 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 renewal fee of \$35 has been paid by each applicant.



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council

Date 3-8-10

Recording Secretary Al Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

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

DATE: March 8, 2010

SUBJECT: AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS FOR
PROVISION OF CANOE AND KAYAK SERVICES AT BROWN'S
FERRY PARK

ISSUE BEFORE THE COUNCIL:

The Council will consider approving the issuance of the attached request for proposals (RFP) to identify interested and able contractors to deliver recreational canoe and kayak rentals at Brown's Ferry Park.

RECOMMENDATION:

Staff recommends that Council approve the issuance of the attached RFP.

EXECUTIVE SUMMARY:

In 1997 the City issued an RFP to identify interested and able contractors to deliver recreational canoe and kayak rentals from the multi-purpose shed at Brown's Ferry Park. The City has since contracted with two providers for summer season service, Ebb and Flow from 1997 to 1999 and Alder Creek Kayak and Canoe from 2000 through 2009.

The life of the agreement with the current contractor, including all optional extension periods, has expired and a new RFP must be issued in order to secure a contractor before the beginning of the summer 2010 canoe and kayak season.

The RFP will be issued on March 9, 2010, with proposals due March 31, 2010. Staff will provide Council with a recommendation for award of contract at its April 26, 2010, Council meeting.

The term of the concession agreement will be five years, with an initial one year operation period and two two-year extension periods to be exercised at the discretion of the City. The agreement may be terminated upon mutual consent or by default.

STAFF REPORT: Authorization to Issue Request for Proposals for Provision of Canoe and Kayak Services at Brown's Ferry Park
March 8, 2010
Page 2 of 2

FINANCIAL IMPLICATIONS:

Contracting out this service provides the public an opportunity to recreate on the Tualatin River without direct service provision from the City, and the City incurring the requisite costs of operating such a livery service. The concession agreement since 2000 has stipulated that the contractor, in exchange for conducting business out of a City park, pay the City a \$500 flat fee and ten percent of gross revenues over \$2,000 per month. The average annual revenue the City has received from this agreement over the last three years has been approximately \$1,100.

Attachments: A. Request for Proposals

C: Tualatin Parks Advisory Committee (TPARK)



City of Tualatin

www.ci.tualatin.or.us

REQUEST FOR PROPOSALS FOR PROVISION OF CANOE AND KAYAK SERVICES AT BROWN'S FERRY PARK

BACKGROUND AND DESCRIPTION OF SERVICES

The City of Tualatin seeks an outside service provider to operate a seasonal canoe and kayak rental service at Brown's Ferry Park, 5855 SW Nyberg Lane, to serve the general public. The term of the concession agreement will be five years, with an initial one year operation period and two two-year extension periods to be exercised at the discretion of the City.

In 1997 a canoe and kayak rental operation was established in Brown's Ferry Park. The service was managed by a private company and was in operation from May through September, on Saturdays and Sundays. The service was also allowed to occur on other days of the week, so long as the use was not preempted by other city-sponsored events, city maintenance, or unless weather conditions hindered the operation.

Gross revenue for May through September 2009 was between \$990 and \$4,500 per month. The public has come to very much enjoy the opportunity to canoe and kayak on the Tualatin River. Frequently, all of the equipment was rented and a reservation system was utilized. Beyond actual use, there are also outstanding educational opportunities available on the river.

A 704 square foot, secure, but not heated, facility exists on site that can be used for storage of certain equipment and materials related to the operation of a canoe and kayak rental operation. Access to the river is by way of a concrete pathway system, which is connected to a substantial boat ramp and dock (see Attachment A: Locator Map). Fifty parking spaces are within 200 to 300 feet of these facilities.

Kayak and canoe rental service must be available from at least Memorial Day to Labor Day.

The term of the concession agreement will be five years, with an initial one year operation period and two two-year extension periods to be exercised at the discretion of the City.

Proposals are due March 31, 2010. Award of contract is tentatively scheduled for April 26, 2010.



City of Tualatin

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INFORMATION TO BE SUBMITTED

The following information is expected in response to the request for proposals:

1. A description of the outside service provider and its qualifications, as well as qualifications and proposed work assignments of all staff members and their relevant experience. Include an organizational chart illustrating key personnel, their role, and management flow.
2. References from at least one (1) individual or organization familiar with proposer's capabilities to operate a canoe and kayak concession. The reference list should include the name, address, telephone number, and relationship of the reference to the proposer.
3. A description of experience in operating a canoe and kayak concession, or similar operation.
4. Outline of work plan and approach to initiating a seasonal canoe and kayak concession, including major milestones and time schedule indicating the dates the canoe and kayak rental concession would begin and end. Include proposed schedule of operation (opening and closing times, days of the week), and type and quantity of rental equipment that will be available.
5. A description of outside service provider's proposed methods of marketing the canoe and kayak concession, user fees for canoe and kayak rentals (rate and length of time), number of rentals projected (by month), proposed concession fee and proposed percent of gross revenues to be paid (if any) to the City, proposed standards and methods of service evaluation, canoe and kayak specifications (seating capacity, etc.), and any other information the proposer believes would be helpful in evaluating the proposal.
6. Statement of financial capability to undertake such a venture, and name of insurance provider.
7. Name, address, and telephone number of lead individual authorized to enter into a use agreement and answer questions related to the proposal.

REVIEW PROCEDURE/TIME LINE

Upon receipt of proposals, a screening committee will review the submissions and interview proposers, if necessary.



City of Tualatin

www.ci.tualatin.or.us

Please submit three (3) copies of the proposal by 5:00 pm, March 31, 2010, to:

Carl Switzer
Parks and Recreation Manager
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062-7092
503.691.3064
cswitzer@ci.tualatin.or.us

Proposals may be hand-delivered to the Community Services Department Administrative Offices located in Tualatin Community Park, 8515 SW Tualatin Road, Tualatin, Oregon.

Attachment A: Locator Map

Attachment B: Sample Agreement

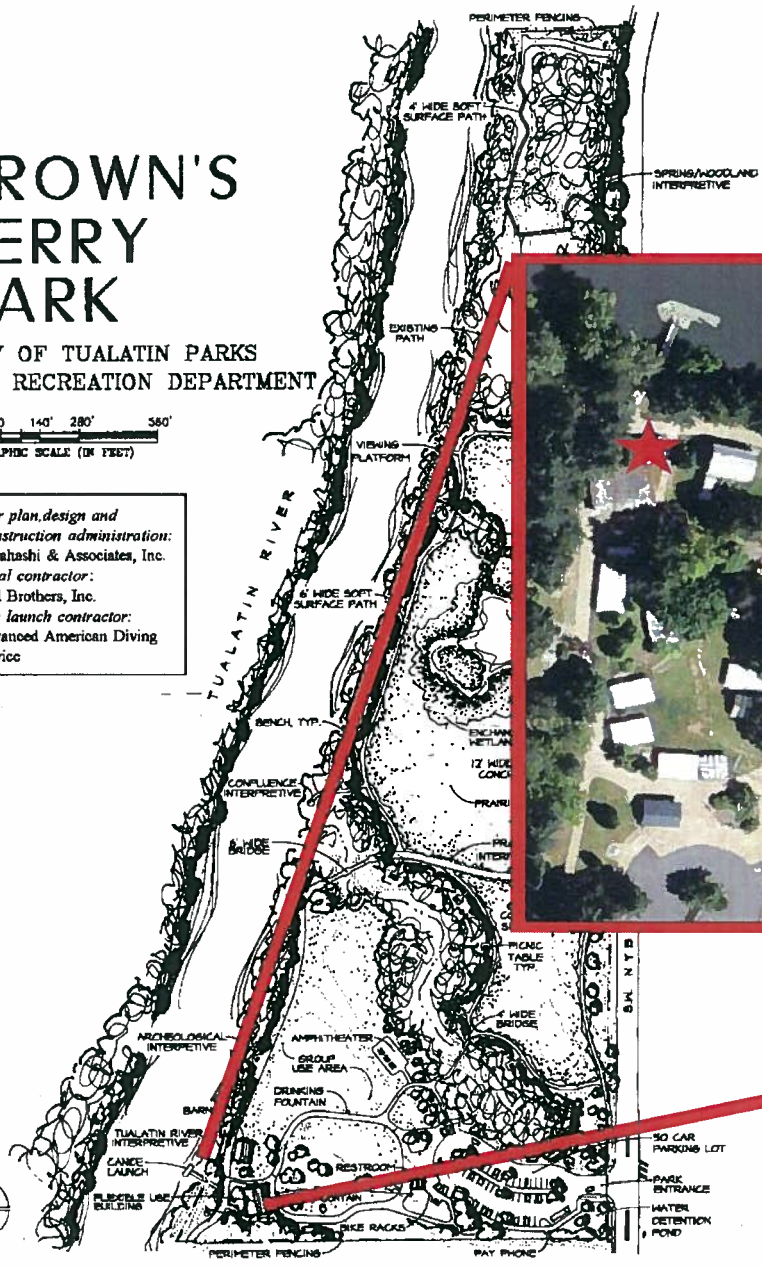
Attachment A: Locator Map

BROWN'S FERRY PARK

CITY OF TUALATIN PARKS
AND RECREATION DEPARTMENT

140' 0 140' 280' 560'
GRAPHIC SCALE (IN FEET)

Master plan, design and
construction administration:
Kurahashi & Associates, Inc.
General contractor:
Paul Brothers, Inc.
Canoe launch contractor:
Advanced American Diving
Service



Brown's Ferry Park
5855 SW Nyberg Lane
Tualatin, OR 97062

CONCESSION AGREEMENT (Canoe and Kayak Livery at Brown's Ferry Park)

This Agreement is between the **City of Tualatin**, ("City") and **Contractor**, ("Contractor").

RECITALS

- 1 The City of Tualatin owns Brown's Ferry Park, ("Park"), located at 5855 SW Nyberg Lane, Tualatin, OR 97062.
- 2 Contractor has offered to provide a canoe and kayak livery to the public that utilizes the Park and Tualatin River. City is willing to enter into an agreement with Contractor for Contractor's use of the Park in connection with a canoe and kayak livery.
- 3 This Agreement has previously been negotiated with Contractor in response to the City's request for proposals under which contract was the sole responder. Contractor's services will provide an immediate public service.
- 4 Parties recognize and agree that this Agreement is intended to cover Contractor's operation during the current year of 2010, based on mutual agreement. Nothing contained in this Agreement shall be construed as a commitment by the City to renew the Agreement with Contractor or any other party for a future time frame.
- 5 Contractor is capable and prepared to provide canoe and kayak livery services under the terms and conditions set forth, beginning on May 1, 2010.

NOW, THEREFORE, in consideration of the mutual promises, terms and conditions, the parties agree as follows:

1. Term

- 1.1 The term of the concession agreement will be five years, with an initial one year operation period and two two-year extension periods to be exercised at the discretion of the City. The initial one year period runs from May 1, 2010 and continues unless earlier terminated or extended by the actions of either party until 12:00 a.m. on April 30, 2011.

2. Relationship of the Parties

- 2.1 The parties agree that Contractor is an independent contractor for all purposes and shall not to be considered an agent or employee of the City for any purpose. Contractor shall not assert that it is an agent or employee of the City at any time.
- 2.2 Except as otherwise specified in this Agreement, City has no right to control the manner or method of providing Contractor's services under this Agreement and shall not interfere with any particular aspect of Contractor's or Contractor's employees' duties or performance.
- 2.3 Neither Contractor nor any of its employees under this Agreement is entitled to any of the fringe benefits that City normally provides its employees, including, but not limited to, group health, accident, disability and life insurance, pension plans, workers compensation, and withholding for taxes and social security obligations; and no

withholding or contribution for these purposes shall be made by City. Compensation shall be based strictly on the terms set out in this Agreement, which generally depends upon the number of rentals who pay the fee required by Contractor for canoe and kayak rental.

- 2.4 Contractor shall bear all costs incidental to Contractor's operation, including, but not limited to, insurance, workers compensation, taxes, and expenses of necessary equipment; and these costs represent part of the consideration for this Agreement. Any equipment or supplies necessary or advisable for the operation of Contractor, including equipment required under this contract, shall be provided by and at Contractor's expense.
- 2.5 Contractor may use employees, subcontractors, or assistants subject to the following conditions:
 - 2.5.1 No later than the date on which Contractor begins operation, Contractor shall provide City with the names and addresses of such employees, subcontractors, or assistants. This obligation is of a continuing nature, prior to the placement of new employees, subcontractors, or assistants in operation on behalf of Contractor, Contractor shall notify City of their names and addresses.
 - 2.5.2 If Contractor uses employees on this Agreement, Contractor is fully responsible for payment of all withholding required by law, including, but not limited to, taxes, including payroll, income and Social Security (FICA), and for payment of salaries, benefits, taxes, Industrial Accident Fund contributions, and all other charges for its employees. Contractor shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167. Contractor shall indemnify, defend, and hold City harmless from claims for payment of all such expenses.
- 2.6 City grants Contractor the exclusive privilege to rent canoes and kayaks to the public on the Park. However, City may enter into agreements or concessions with other contractors for the provision of services to members of the public, so long as such contracts do not unreasonably interfere with Contractor's activities under this Agreement. City's rights in the Park remain paramount.
- 2.7 Contractor shall make prompt payment of any claim for labor, materials, or services furnished to Contractor by any person in connection with this Agreement as such claim becomes due. Contractor shall not permit any lien or claim to be filed or prosecuted against City or City's property for labor or material furnished. If Contractor fails, neglects, or refuses to make prompt payment of such a claim, City may pay the claim to the person furnishing the labor, materials, or services and recover the amount of the payment from Contractor.
- 2.8 City has the right to let other contractors, event organizers, and park users operate and use the Park during the term of this Agreement. Contractor shall cooperate with other Park users so that all parties may have a reasonable opportunity to use the limited space involved. City makes no warranties about the condition of the Park, including, but not limited, to Tualatin River water quality or water depth at the boat dock. Contractor, having examined the conditions and recognizing that the water level of the Tualatin River can fluctuate, uses the premises allowed under this Agreement at its own risk.

- 2.9 No person shall be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of absolute necessity, emergency, or where the public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive at least time and a half pay for all overtime in excess of eight hours in a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or for all overtime in excess of 10 hours a day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and for all work performed on Saturday and on each Sunday, New Year's Day on January 1, Memorial Day on the last Monday in May, Independence Day on July 4, Labor Day on the first Monday in September, Thanksgiving Day on the fourth Thursday in November, and Christmas Day on December 25 as provided in ORS 279C.520.
- 2.10 Contractor shall make prompt payment as due to any person, co-partnership, association, or corporation furnishing medical, surgical and hospital care, or other needed care and attention incident to sickness or injury to the employees of such Contractor of all sums which Contractor agrees to pay for such services and all moneys and sums which Contractor collected or deducted from the wages of employees pursuant to any law contract or agreement for the purpose of providing or paying for such service.
- 2.11 No person shall be denied benefits or be subjected to discrimination in receipt of the benefits of services or activities made possible by or resulting from this Agreement because of sex, race, color, creed, marital status, age, disability, or national origin. A violation of this provision is grounds for cancellation, termination, or suspension of the Agreement in whole or in part by City.
- 2.12 The contractor shall demonstrate that an employee drug-testing program is in place.

3. Indemnification

- 3.1 Contractor agrees to indemnify, defend, and save harmless the City, its elected and appointed officials, officers, agents, employees, and volunteers against all claims, suits, judgments, actions, damages, losses, costs, and expenses whatsoever, including, without limitation, attorneys' fees and costs or expenses incidental to the investigation and defense of claims and lawsuits arising from damage to property, injury or death of persons, or any other damage sustained by a person, firm, or corporation, resulting in whole or in part from a wrongful or negligent act, omission, breach, default, or conduct of Contractor, its agents, contractors, subcontractors, servants, licensees, or employees or in any manner arising from exercising the rights, privileges, and concession granted by this Agreement, or any relationship between Contractor and its end-use customers. Contractor shall pay all judgments, with costs, counsel fees, and expenses, which may be obtained against City relating to such claim. This indemnification does not apply to a claim for injury or death to any person or for damage to the person's property, where such claim is asserted solely against the additional named insured. This section is intended to benefit the City and Contractor, and is not intended for the benefit of any third party.

4. Insurance

- 4.1 Contractor shall maintain continuous, uninterrupted coverage for public liability and property damage insurance that protects Contractor and City and its officers, agents, and employees from the claims referred to in Section 3. The insurance shall provide coverage for not less than \$1,000,000 for personal injury to each person, \$2,000,000 aggregate, and \$1,000,000 for each occurrence involving property damages plus costs of defense; or a single limit policy of not less than \$2,000,000 covering all claims aggregate, plus costs of defense. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of this Agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees coverage and must apply to claims between insureds on the policy. The insurance shall provide that the insurance shall not be canceled or materially altered without 30 days written notice first being given to the Community Services Director. If the insurance is canceled or materially altered within the term of this Agreement, Contractor shall provide a new policy with the same terms.
- 4.2 Contractor shall maintain a Certificate of Insurance on file with the Community Services Department certifying the coverage required above. The adequacy of the insurance shall be subject to the approval of the City Attorney. Failure to maintain liability insurance shall be cause for immediate termination of this Agreement by City.

5. Concession Fee

- 5.1 For Contractor's operation during each year of this Agreement and in consideration of City's grant of a concession, Contractor agrees to pay a concession fee of \$500 to the City of Tualatin no later than the date of commencement of operations for 2010, plus 10% of Contractor's gross revenues over \$2,000 per month, to be paid by the tenth of each month of operation.
- 5.1.1 Contractor shall furnish within 10 days of the end of each calendar month a written statement of its calculation of the franchise for payment and how much revenues were collected on a daily basis for the preceding month.
- 5.2 City agrees that it will not require Contractor to pay an additional fee, compensation, or consideration for the utilities, security alarms service, maintenance or inspection of Contractor's facilities, which are covered by this Agreement. Nothing in this Agreement shall give Contractor any credit against a lawful business tax or business license fee, ad valorem property tax levied against Contractor's real or personal property within the city, assessment made against Contractor's property, or other charges lawfully imposed on Contractor's property or business within the city not related to the canoe and kayak livery business.
- 5.3 City's acceptance of any payment due under this Agreement shall not waive any breach of this Agreement occurring prior to or during the Agreement and shall not preclude City from later establishing that a larger amount was actually due or from collecting any amount due. Time is of the essence in every provision of this Agreement. Failure of City to object to the violation of this Agreement shall not waive City's rights in regard to a subsequent similar breach or of City's right to demand strict

performance by Contractor of this Agreement.

6. Assignment of Concession

6.1 Contractor shall not sell, assign, transfer, or convey the concession for any purpose or to another entity without prior consent of the City Council. This Agreement is personal to Contractor and cannot be sold, assigned, transferred, seized or taken by operation of law, or under or by virtue of the execution of legal process, attachment, or proceeding brought against Contractor. If an assignment is approved, Contractor is responsible under this Agreement until a supplemental agreement between City and the assignee has been executed.

7. Early Termination

7.1 This Agreement may be terminated prior to the expiration of the agreed-upon term only in accordance with this section.

7.1.1 By mutual written consent of the parties;

7.1.2 By City, effective upon 7 days prior written notice to Contractor by regular first class mail or in person.

7.1.2.1 City may terminate the Agreement in whole or in part due to default or failure of Contractor to perform services in accordance with this Agreement. City shall be free of liability to Contractor for damages of any kind.

7.1.2.2 If City terminates the Agreement, Contractor's sole remedy and limit of recovery from City shall be limited to the fees paid or payable under 5.1.

7.1.3 By Contractor, effective upon 7 days prior written notice to City by regular first class mail or in person.

7.2 Upon termination of this Agreement, whether or not either party has caused a default or improper termination, City may procure upon reasonable terms and in a reasonable manner services similar to those so terminated.

8. Access to Records

8.1 Contractor shall maintain complete and accurate records of all receipts and expenses relative to Contractor's activities under this contract. These accounts shall be kept in accordance with generally accepted accounting principles. City shall have access at all reasonable times upon request to such books, documents, receipts, papers, and records of Contractor as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of one year following the expiration, completion or termination of this Agreement.

9. Adherence to Law

9.1 Contractor shall adhere to all applicable federal and state and local laws, including, but not limited to laws, rules, regulations, and policies concerning employer and employee relationships, workers' compensation, minimum and prevailing wage requirements,

and City park rules.

10. Rules of Operation

10.1 The following specifications and standards shall apply to Contractor's operation:

10.1.1 After each day's operation, all boats shall be stored in the west end of the multipurpose shed or off the Park property unless specific written permission is provided by City. During Contractor's operation, canoes and kayaks not being immediately used may not be stored on the boat dock, but may be stored or displayed on the paved surface in front of the multipurpose shed if an eight foot clear passageway is maintained for pedestrian, bicycle, and maintenance access. Contractor is responsible for all security measures concerning Contractor's equipment except for the security alarm system for the multipurpose shed which the City is responsible for.

10.1.2 At the close of business each day and periodically throughout the day as needed, Contractor shall pick up trash and debris in the immediate vicinity of Contractor's operation and properly dispose of it in receptacles. This includes trash that enters the water and trash generated by spectators and canoe and kayak users. No polluting or foreign substance shall be allowed to enter the Park.

10.1.3 Contractor's employees shall wear a nametag at all times, so that customers can recognize their association with Contractor. Contractor's employees shall be polite and courteous at all times. Upon written notification from City, Contractor shall immediately remove from the job for its duration any employee who is found to be incompetent, disorderly, repeatedly rude to customers, or fails to perform work properly and acceptably.

10.1.4 Contractor's schedule of operation shall be:

Limited Schedule

May 24 – June 20	Saturday and Sunday	10:00 AM to 7:00 PM
September 4 – 12	Saturday and Sunday	10:00 AM to 7:00 PM

Expanded Schedule

June 23 – September 3	Saturday and Sunday	10:00 AM to 7:00 PM
	Wednesday – Friday	12:00 PM to 7:00 PM

This schedule will remain consistent throughout the 2010 season unless otherwise approved in writing by City, and may occur on additional days each week, unless preempted by other city-sponsored events, city maintenance, or unless weather conditions prevent the operation.

10.1.5 The rental rate schedule shall be as follows unless otherwise approved in writing by the City of Tualatin:

Craft and Gear	2 Hour Rate	4 Hour Rate	Daily Rate	Additional Hours
Includes paddles, lifejacket, and sprayskirts (for kayaks)				
Sea Kayak - Single	\$15	\$20	\$35	\$10
Sea Kayak - Double	\$15	\$20	\$35	\$10
Canoe - Double	\$15	\$20	\$35	\$10

Monies may be collected by Contractor in advance; however Contractor shall defend, indemnify, and hold the City harmless from claims made by persons paying advance deposits or charges where services are not furnished and deposited funds are not returned. Fees may be adjusted by written approval of the Community Services Director.

10.1.6 All users shall be 18 years of age or older unless they are accompanied by a parent or a responsible adult person (18 years of age or older.)

10.1.7 Contractor shall obtain and offer Type III Coast Guard approved personal flotation devices in a variety of sizes. All users shall wear life jackets or life vests which are Type III Coast Guard approved at all times when in a canoe or kayak.

10.1.8 If required by the State Marine Board, all boats shall be licensed.

10.1.9 Contractor shall maintain a telephone on-site at the multipurpose shed where reservations may be made and where Contractor is capable of summoning emergency personnel.

10.1.10 Contractor shall continuously maintain a rescue craft and staff trained and tested in its use. The craft may be powered by a motor, but is not required. Contractor shall also maintain a rescue flotation ring, together with at least 50 feet of rope.

10.1.11 There shall be no amplified music. During Contractor's operation and while canoes and kayaks are in use, employees shall not be permitted to use personal sound devices with earphones.

10.1.12 All accidents and complaints shall be reported to City on standard forms approved by City. Customers with complaints shall be given an opportunity to complete a complaint form. Completed forms shall be forwarded to City no later than the next business day.

10.1.13 Contractor shall not discriminate against rental users on the basis of sex, age, race, color, creed, marital status, national origin, or disability.

10.1.14 Contractor shall provide evidence of training in American Red Cross basic first aid and community CPR. At least one employee with such training shall be present during the rental operation at all times. Contractor shall keep and maintain a basic Red Cross first aid kit at the premises during operation.

10.1.15 Contractor's rental lease agreement, including any forms of release, shall be subject to approval by the City Attorney.

10.1.16 Contractor's signage shall be consistent with the colors and quality of signage used in the Park and be subject to approval by City. Contractor shall post a sign indicating "No Lifeguard on Duty."

10.1.17 Prior to beginning operation, Contractor shall provide for all employees training in the proper methods of providing boat rental services to persons with disabilities. Contractor and employees shall follow the training received.

- 10.2 Contractor shall require strict compliance with rules of operation. The following rules will apply to the operation of all canoes and kayaks:
 - 10.2.1 Boat users shall remain seated inside the boats at all times. Seating shall not be exchanged by passengers during operation.
 - 10.2.2 Contractor shall strictly comply with the limits on the number of passengers on each boat.
 - 10.2.3 All boat passengers shall wear personal flotation devices at all times.
 - 10.2.4 Contractor may cause the forfeiture of rental time by persons who violate these or other Park rules.
- 10.3 Contractor is responsible for securing all cash and equipment. City is not responsible for losses and Contractor must assume full liability and risk for loss of money and loss or damage of equipment.
- 10.4 All Contractors' equipment, including personal flotation devices and boats, shall be kept in a clean, safe, and operable condition at all times. Cleaning and repair of Contractor's equipment shall occur on Contractor's private property. Every effort shall be made to prevent cleaning materials or other debris from entering the Park. Contractor shall immediately remove from service any canoe or kayak or other equipment, which is in a defective or unsafe condition.
- 10.5 Contractor shall not allow persons who appear to have consumed alcohol or be under the influence of narcotics the opportunity to ride in any boat.
11. City shall not be required to make any repairs, alterations, additions, or improvements to or upon the premises. Contractor shall make no alterations, additions, or improvements to the premises without the express written permission of City. Repairs or alterations necessitated by Contractor's acts, omissions, or operations shall be made at Contractor's expense.
12. Contractor shall use the premises for the purpose of conducting a canoe and kayak livery and related special events, instructional clinics, and classes, and retail sales of canoe livery related items such as sunscreen and visors. The premises shall be used for no other purpose whatsoever without City's written consent. Contractor shall not make any unlawful, improper, or offensive use of the premises, nor permit any objectionable noise or odor to escape or to be emitted from the premises, or to do anything or permit anything to be done on the premises in any way tending to create a nuisance.
13. Contractor acknowledges the public has a right to use the boat dock and other facilities of the Park.
14. In case suit or action, including arbitration, is instituted to enforce or interpret the terms, covenants, or conditions of this Agreement or to collect the concession fee which may be due, the losing party agrees to pay such sum as the trial court or arbitrator may adjudge reasonable as attorney's fees and expenses to be allowed the prevailing party in such suit or action, and if an appeal is taken from a judgment or

decree in such suit or action, the losing party agrees to pay such further sum as the appellate court shall adjudge reasonable as the prevailing party's attorney's fees and expenses on appeal.

15. This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified in this Agreement. Contractor acknowledges that Contractor has read this Agreement, understands it and agrees to be bound by its terms and conditions.

16. City's Representative

16.1 City's representative is Carl Switzer, Parks and Recreation Coordinator. He is authorized to decide on all issues relating to operations of Contractor where this Agreement indicates City approval is required.

CITY OF TUALATIN

By _____
Mayor

Date _____

APPROVED AS TO FORM:

City Attorney

CONTRACTOR

By _____

Date _____



****CON'T to 7-12-2010**

STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 3-8-10
Recording Secretary W. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager SL

FROM: Doug Rux, Community Development Director DR
William Harper, Associate Planner WH

DATE: March 8, 2010

SUBJECT: ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC) OF PARCELS OF LAND LOCATED ON SW BORLAND ROAD (21E 19C 1700 & 2000), AND AMENDING THE COMMUNITY PLAN MAP 9-1 (PMA-09-03)

ISSUE BEFORE THE COUNCIL:

City Council consideration regarding the request for a Plan Map Amendment (PMA) to change the Planning District designation from Low-Density Residential (RL) to Medical Center (MC) of parcels of land located at 6001, 6021, 6031, and 6041 SW Borland Road (21E 19C 1700 & 2000) and to the centerline of the abutting public right-of-way (ROW) of SW Borland Road.

RECOMMENDATION:

The Tualatin Planning Advisory Committee (TPAC) did not have a voting quorum on October 8, 2009, and did not review PMA-09-03.

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

EXECUTIVE SUMMARY:

- This matter is a proposed Plan Map Amendment to the Community Plan Map 9-1 of the Tualatin Development Code (TDC).
- The City Council will consider the matter in a quasi-judicial public hearing.
- This hearing was continued from the initial public hearing for the Legacy Health Systems (LHS) Plan Map Amendment (PMA-09-03) held at the November 9, 2009 Council Meeting (See Attachment I-November 9, 2009 Meeting Minutes), the January 25, 2010 meeting and the February 8, 2010 meeting. The hearing was continued to allow time for Legacy and City staff to prepare a Development

The 1st public hearing was continued to January 25, 2010 and City Staff and Legacy began work on a Draft Development Agreement. On January 14, 2010, the Council reviewed a Draft of the agreement in Work Session. Based on the Work Session, Councilmember questions and further discussions with Legacy, transportation improvement issues in the proposed Development Agreement were still being discussed prior to the January 25 public hearing. On January 25, Legacy again requested continuing the hearing to February 8 and the Council granted the request. Prior to the February 8 meeting and consideration of the DA, five additional DA issues were raised by councilors and presented to Legacy. On February 8, Legacy requested continuing the PMA-09-03 hearing to allow time to review and discuss the additional DA issues. The Council continued the public hearing on PMA-09-03 and the consideration of the DA to March 8, 2010. At the February 22, 2010 Work Session, the Council reviewed the February 8 Draft version of the agreement in Work Session and discussed the additional five issues with Larry Hill of Legacy and Allyson Anderson, CEO of LMPMC. Based on the February 22 Work Session, the final version of the proposed Development Agreement will be presented to the Council on March 8, 2010 for consideration as a separate agenda item.

- The applicant is Ms. Thomasina Gabriele of Gabriele Development Services on behalf of the property owner, Legacy Health System (LHS). Mr. Larry Hill represents Legacy Health System.
- The subject properties are two undeveloped parcels totaling 19.6 acres located at 6001, 6021, 6031, 6041 SW Borland Road in the RL (Low-Density Residential) Planning District (Clackamas County Assessors Map 21E 19C 1700 & 2000). The subject parcels have frontage on the north side of SW Borland Road and adjoin the east property line of the Legacy Meridian Park Medical Center (LMPMC) campus located in the MC Planning District. On the east property line, the subject properties are bordered by single-family residential development in the Fox Hills neighborhoods in the RL (Low Density Residential) Planning District. Staff recommends also changing the designation of the approximately 0.25 acres of abutting public ROW of SW Borland Road (RL changed to MC to the street centerline). A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B and C respectively. The applicant's materials are included as Attachment D.
- Legacy Health Systems purchased the subject property in 2004 for future expansion of the 46 acre Legacy Meridian Park Medical Center campus and facilities. LHS does not have plans for buildings or other improvements on the property at this time.
- The subject property includes the former Grimitt farmhouse with outbuildings on the northern Parcel 2000. On Parcel 1700 adjoining SW Borland Road is a small vacant house identified as the "Minnie Skog House", listed in the City's Historic Preservation Chapter 68 as a historic landmark. No application for alteration, relocation or demolition of the historic structure has been submitted.
- The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use [TDC 40.020(1)] and allows a hospital or sanitarium as a conditional use [TDC 40.030(4)(h)]. The MC Planning District

which currently encompasses the LMPMC campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

- The MC Planning District was created from a joint Plan Text Amendment application by Legacy Meridian Park Hospital/Legacy Health Systems and the City (PTA-99-01) and approved by Council on March 5, 1991. The purpose of the amendment was to specify the medical, allied medical, and facility support uses common to a medical-health care facility and provide specific building setback, parking setback and building height setbacks for a medical facility. It was understood that the MC designation would be applied to the Legacy Health Systems site in an existing and future context of residential development. Plan Map Amendment PMA-91-01 applying the MC Planning District designation to the 48 acre LMPHospital campus was approved on June 3, 1991. The MC Planning District Standards are provided as Attachment M.
- Legacy approached the City in early 2009 about their interest in the process for securing the correct zoning to allow a future expansion of the medical center campus onto the LHS Property. At that time, City staff advised Legacy that the MC Planning District was the appropriate designation for an expansion onto the Property and would:
 1. Provide Legacy with greater certainty for planning and constructing the medical and health services and facilities that Legacy may want to develop on the Property;
 2. Be consistent with the adjacent LMPMC designation and the intent of the MC Planning District, and;
 3. Provide nearby residential neighborhoods and properties with greater certainty about the kinds of medical center uses allowed and specific standards for building and parking setbacks and building heights allowed that will buffer and separate the medical center to residential development.

Staff noted that taking the course of a conditional use permit for a Hospital under the existing RL designation would restrict Legacy to a limited list of uses under the definition of a "hospital", may require a new conditional use approval for each facility expansion on the Property and would not provide the neighbors, Legacy or the City with any specific standards for setbacks, buffers, and building height. Staff thought the most certain and consistent approach for the neighbors, the City and Legacy would be a PMA to designate the Property MC.

- Changing the designation on 19.6 acres to MC would allow the LMPMC campus to expand with buildings, parking and landscaping onto the subject properties in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District [TDC Chapter 56] and the Community Design Standards, Public Improvement Requirements & Access Management on Arterial Streets provisions in TDC Chapters 73, 74 & 75. LHS seeks the Map Amendment to change the designation

to MC. Development and improvements on the property will be subject to Architectural Review. Alteration, relocation or demolition of the historic house will be subject to approval of a Historic Landmark Certificate of Appropriateness under TDC Chapter 68.

- The submitted traffic analysis (Attachment D, Transportation Planning Rule Analysis – Kittelson & Associates, Inc.) and Supplemental Information (Dated October 1, 2009) analyzes Reasonable Worst Case scenarios for existing RL and changing the Planning District designation of the subject parcels from RL to MC for three scenarios: RL, single family homes; a Hospital Conditional Use in RL; and a Medical Offices/Hospital development in MC. The analysis assumes a new SW Borland Road access (see discussion in Attachment F, pp. 9-10). The Engineering Division Memorandum (Attachment H, pp. 1-3) provides the following summary of Trip Generation figures comparing RL single family residential with MC medical office:

Estimated Trip Generation								
Land Use	ITE Code	Size	Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

Under the Reasonable Worst Case Development Scenarios the proposed MC medical office development traffic will result in an increase in the number of trips at the AM and PM Peak compared to a single family subdivision use in RL.

In regard to Oregon Statewide Planning Goal 12-Transportation and the Transportation Planning Rule (TPR) (OAR-660-012), the Kittelson Memorandums find that the proposed plan amendment will not “significantly effect” an existing or planned transportation facility and satisfies all of the requirements of the TPR. An October 27, 2009 comment from the Oregon Department of Transportation (ODOT) (Attachment L-ODOT Letter 1) requested additional information from the applicants regarding the I-5/Nyberg Street interchange. A January 14, 2010 letter from ODOT (Attachment L-ODOT Letter 2) questioned the Kittelson analysis and conclusion based on a “hospital” use as a “reasonable worst case” scenario, contending that as a conditional use in the existing RL Planning District a hospital is not an “outright” “allowed” use for purposes of evaluating TPR impacts on ODOT facilities. ODOT believes a conditional use is not suitable for a TPR analysis and would prefer that a permitted use under the RL designation (single-family residential) be used for evaluating the effect.

A medical office/clinic use is allowed as a hospital use (conditional in RL) and as a permitted use in MC. Because the City considers both permitted and conditional uses are "allowed" uses under the TDC and due to the history of the LMPMC as both a conditional use under RL (Previously approved in Case #s CUP-89-06; CU86-04; CU84-03; CU83-05; CU80-03; 1970) and a permitted use under the MC Planning Districts as well as the long-held expectation that LHS will expand the LMPMC facility onto the subject property in the future, Staff disagrees with the ODOT position and accepts the Kittelson TPR analysis using 250,000 s.f. of medical office as a "reasonable worst case" scenario.

In regard to Criterion "8" and Level of Service (LOS), the Engineering Division agrees with the submitted Supplemental Information statement "...this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario". (Attachment H).

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal. With today's RL designation on the subject property and with the existing development in the SW Borland and 65th Area, the SW 65th/Sagert intersection does not meet Criterion G. The proposed Development Agreement with LHS identifies signal and lane improvements to the SW 65th/SW Sagert and SW 65th/Borland Road intersections to be constructed by Legacy at the time a first building is constructed on the subject LHS property.

- The Applicant has prepared a narrative that addresses the Plan Map Amendment approval criteria (Attachment D) and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F). TPAC Chairman Paul Sivley submitted a list of questions to be addressed at the October 8 TPAC meeting. Due to lack of a quorum, PMA-09-03 was not reviewed by TPAC and Mr. Sivley's questions were not addressed. A copy of Mr. Sivley's questions are included as Attachment J with responses to the questions by the Applicants and Staff.
- The City has prepared a development agreement with the applicant (Legacy) that will ensure that if the MC Planning District designation is approved in PMA-09-03, future development on the Property and issues such as public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site & off-site public improvements including sanitary sewer, stormwater management & street improvements; and development standards including building & parking setbacks, building height, landscape buffers & lighting will be addressed in an agreed upon manner. The development issues listed are typically addressed in a land use process (such as Architectural Review) when a specific development or property improvement is proposed, but are not issues to mitigate or require as conditions of approval in a Plan Amendment process such as PMA-09-03. The agreement, known as the "Non-Statutory Development Agreement",

will be presented to the City Council for approval and authorization at the March 8, 2010 meeting.

- The applicable policies and regulations that apply to the proposal include: TDC 1.032-Amendments; TDC 5.030 Residential Planning District Objectives; TDC 8.050-Churches, Retirement Homes, Residential Facilities & Hospitals (Objectives); TDC Chapter 40-Low-Density Residential Planning District, and; Chapter 56 Medical Center Planning District. The Metro (Regional Government) Functional Plan Title III has policies for housing. The Statewide Land Use Planning Goals Goal 10-Housing (Metropolitan Housing Rule) and Goal 12 (Transportation Planning Rule) are applicable. The Analysis and Findings section of this report (Attachment F) considers the applicable policies and regulations.
- In a November 20, 2009 letter (Attachment K- Metro Letter 1), Metro requested information demonstrating that the proposed Plan Map Amendment will "...not reduce the city's dwelling unit capacity in Table 1." of the Urban Growth Management Functional Plan (UGMFP). Metro asked for an analysis that documents how the city will maintain the 1994-2017 housing capacity required in the UGMFP Title 1 Table 1. Information and analysis responding to the request from Metro is provided in Attachment F, pp 10-13. In a second letter (January 21, 2010) (Attachment K-Metro Letter 2), Metro noted that even though the PMA could reduce the City's Title I dwelling unit capacity, other projects such as the Town Center Plan and Hwy 99W Corridor Plan "...could accommodate higher density residential development to offset this potential reduction." Based on that, Metro will not object to PMA-09-03.
- The 120th day within which the City Council must make a decision in the quasi-judicial process was January 26, 2010. The scheduled January 25, 2010 public hearing before the City Council was on the 119th day and the February 8 hearing was on the 133rd day. Legacy submitted a waiver of the 120 day deadline for an additional 60 days (180 days total), extending it to March 27, 2010. The March 8, 2010 hearing is on the 161st day.
- Before granting the proposed PMA, the City Council must find that the criteria listed in TDC 1.032 are met. The Analysis and Findings section of this report (Attachment F) examines the application with respect to the criteria for a Plan Amendment.

OUTCOMES OF DECISION:

Approval of the PMA request will result in the following:

1. Changes the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (and .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to MC. The MC Planning District allows a primary care hospital, medical offices, clinics and laboratories, limited supporting/on-site retail uses and congregate care, assisted living, nursing and convalescent homes residential facilities as permitted uses.
2. Allows the applicant to develop the property in the MC Planning District with the medical, health care and residential facilities consistent with the existing LMPMC campus. Architectural Review will be required for development on the site. If

adopted, the proposed LHS Development Agreement will establish certain development standards for the Property, access, Legacy constructing on & off-site public improvements including the SW 65th Avenue/SW Sagert Street intersection & SW Borland Road frontage, the Historic Landmark on the site and tree protection.

Denial of the PMA request will result in the following:

1. The current RL Planning District designation on Tax Lots 1700 & 2000 (and abutting public ROW) will remain unchanged.
2. The Applicant may choose to develop the property under the RL Planning District provisions which allow single family residential uses as permitted uses and allows a hospital as a conditional use.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for Council are:

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

FINANCIAL IMPLICATIONS:

The Applicant paid the required application fee, which is contained in the FY 09/10 budget for revenue.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting on June 3, 2009, at 7:00 p.m. at the Legacy Meridian Park Medical Center, to explain their development and the PMA proposal to neighboring property owners and to receive comments. This meeting was attended by 23 members of the public including nearby property owners. The application materials indicate the attendees had questions about parking areas & internal driveway setbacks to residential properties, building height, and connections to "stubbed" local residential streets SW Wichita, Natchez & Joshua Streets to the east of the subject property. Attendees also asked about the Architectural Review process, the uses allowed in the MC Planning District, and LMPMC plans for trees and the historic "Minnie Skog House" on the property. Attendees expressed concerns about the unrelated Stafford Hills Racquet & Fitness Center development located north of the LMPMC properties.

A Notice of Hearing for PMA-09-03 was sent to property owners within the 300 ft. of the LHS subject property and to persons requesting notification. With the agreement of the applicant, a "Courtesy" Email Notice and invitation to testify or comment was sent to 101 email addresses of households in the Fox Hill, Sequoia Ridge and Venetia neighborhoods located east and south of the LHS property. The Email Notice list was compiled from the Email addresses of persons commenting on other proposed or

submitted land use actions in the areas east of SW 65th Avenue including the proposed (later withdrawn) PMA-08-03 (Nyberg Lodge), PMA-09-02 (Waterman Property), CUP-09-01 (Stafford Hills Racquet & Fitness Club) and AR-09-08 (Stafford Hills Racquet & Fitness Club). Attachment I is a collection of written responses from the Notice and Courtesy Notice.

A number of persons submitted comments or testified at the November 9, 2009 public hearing and several persons have submitted email comments up to the January 25 hearing date (continued). A courtesy email was sent to the PMA-09-03 email list informing people of the request for a continuance of the January 25 hearing to the February 8 meeting. Copies of the written or emailed comments (collected through February 24) and a copy of the minutes of the November 9 hearing are provided in Attachment I.

- Attachments:**
- A. Vicinity Map
 - B. Tax Map
 - C. Site Map showing Existing Buildings
 - D. Applicant's Materials and Supporting Information
 - E. Background Information
 - F. Analysis and Findings
 - G. Draft Ordinance
 - H. Engineering Division Memorandum
 - I. Comments from Notice Respondents & Testimony as provided in the November 9, 2009 PTA-09-03 Minutes
 - J. Paul Sivley Questions--October 6, 2009 Email
 - K. Metro November 20, 2009 Letter 1
Metro January 21, 2010 Letter 2
 - L. ODOT October 26, 2009 Letter 1
ODOT January 14, 2010 Letter 2
 - M. MC Planning District Standards



Site Plan

Scale 1" = 300'-0"

LEGACY MERIDIAN PARK MEDICAL CENTER
Tualatin, OR

Attachment A
Vicinity Map

[illegible]



APPLICATION FOR PLAN *MAP* AMENDMENT

City of Tualatin Community Development Dept - Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. PMA-09-03
Fee Rec'd. \$2000.00
Receipt No. 739062
Date Rec'd. 8-28-09
By _____

.....
PLEASE PRINT IN BLACK INK OR TYPE

Nature of amendment requested Change 20 acre parcel to Medical Center
(MC) from current Residential low Density (RL)

State the specific section number(s) of the Code to be amended PLAN MAP AMENDMENT

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

Applicant's Signature Thomasina Gabriele

Applicant's Name THOMASINA GABRIELE Phone 503-912-8002
GABRIELE DEVELOPMENT SERVICES 971-252-4363
Applicant's address 2424 NW Northrup Portland OR 97210
(street) (city) (state) (zip)

Applicant is: Owner _____ Contract Purchaser _____ Developer _____ Agent _____

Other CONSULTANT

If the request is for a specific property:

County CLATSOP Map # 21E19C Tax Lot #(s) 21E19C 2000 AND
21E19C 1700

Owner's Name LEGACY HEALTH SYSTEM

Owner's Address _____
(street) (city) (state) (zip)

Owner recognition of application: _____

Lang Hill 8-27-09
(signature of owner(s))

WRITTEN STATEMENT

A. Is granting the plan map amendment in the public interest.

The plan map amendment will allow for expansion of the essential health care services provided by Meridian Park Hospital. The plan map amendment will add 20 acres to the existing campus providing room for additional buildings as they are needed to provide the complement of hospital and outpatient services to best serve the health care needs of the public. Expanding on the subject property, adjacent to the existing campus will promote orderly development located on existing arterials in a part of the city that is developed and has public infrastructure in place.

B. Is the public interest protected granting the plan map amendment at this time?

Legacy purchased the property 5 years ago with the intent to preserve land for anticipated expansion. While no buildings are proposed at this time, granting the plan map amendment will indicate an alignment of public planning with the intent of the hospital. This protects the public interest by making explicit future plans for the type of private growth anticipated and ensuring that public infrastructure is planned and financed appropriately. In addition, the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses. Granting the plan map amendment makes clear that uses such as medical office buildings integrated with hospital operations that support and complement the hospital will be permitted. As specified in the development code, future proposed buildings will undergo Architectural Review which will further protect the public interest by promoting good design, providing a process for public and agency input, and ensuring coordination of infrastructure.

C. Is the proposed plan map amendment in conformity with the applicable objectives of the Tualatin Community Plan.

The objectives for Hospitals are listed in Section 8.050 of Tualatin's Development Code. The proposed Plan Map amendment to change the designation to Medical Center brings the anticipated use of the property into conformance with the objectives for hospitals as follows:

Location: the Plan says that hospitals should be located in Medical Center District as a permitted use or in commercial and residential zones as conditional uses. The current plan designation on the property is residential which would allow a hospital and its related uses as a conditional use but the level of certainty for the hospital and the neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to the adjacent subject property. The objectives also state that hospitals (in residential districts) should be located adjacent to arterial or collector streets and close to City's park areas. The land in question fronts Borland Road, designated as a major arterial. The objectives stipulate cooperation with government agencies to assess health care services for the area. While there is no longer a state government needs assessment process, amending the Plan Map supports the orderly

development of health services as they are needed. Finally, the objectives preclude locating hospitals in industrial zone. The proposed change does not locate hospital uses in an industrial zone.

The property is currently designated as Low Density Residential Planning District (RL). The Tualatin Community Plan permits single family detached and manufactured homes at the lowest density allowed in the city. According to the calculation in the Plan, RL designated land represents the largest amount, 89%, of buildable residential land within the city and urban growth boundary. The objectives for residential housing element of the Tualatin Community Plan are listed in 5.030 of the code. The proposed plan map change will remove 20 acres from the vacant land available to meet the housing development objective of providing for the "housing needs of existing and future residents." The code contains an analysis of how much land is available to meet the current and future housing needs. This calculation of available land is updated by city staff as part of compliance with the Metro Housing goal. Staff has found that removing the property from the land inventory for housing will still leave enough available land area to meet the Community Plan objectives for housing.

D. Each of the factors listed below was consciously considered as follows:

1. The various characteristics of the area.

Similar to other hospital campus locations in Portland, Meridian Park Hospital is located in a primarily residential neighborhood close to arterials and a major freeway interchange. Generally hospital campuses work best located near the residential neighborhoods that they primarily serve with regional access to the goods, services, and employment base needed to operate. Most of the buildable land in the area bounded by the natural features of the Tualatin River and Saum Creek and the man made features of 1-5 and 1-205 is already developed with single family subdivisions directly to the east and across major arterials to the south and west. The north end of the property is near the wetlands and 100 year floodplain of the Tualatin river.

2. The suitability of the area for the particular land use and improvements.

The most important characteristic of the area is that the property in question abuts the existing Meridian Park Hospital campus and so is ideally located for development of buildings needing close proximity to the main hospital such as medical office buildings. Adding the property to the existing campus will have minimal impact on the surrounding residential area since the property abuts a planned fitness center to the north, the back yards of the adjacent subdivision to the east, the existing hospital campus to the west and Borland Road, a major arterial to the south. Because of the adjacency, internal circulation can connect into the existing campus road system from one main entrance on Borland Road without the need to connect or route traffic through the residential streets of the adjacent residential subdivision.

3. Trends in land improvement and development.

The City of Tualatin and Metro, the regional planning agency, are tracking when urban reserve lands at the urban growth boundary west of the Stafford Basin may be needed for additional development. . The immediate area surrounding the subject property

has developed around natural areas and has matured with primarily medical and office uses and limited single family subdivisions. The area is nearing complete build out. Legacy Meridian Park is the cornerstone of health care services for the area and needs expansion area to continue to meet the need for medical services. Over the past 10 years Legacy has built 54,848 square of hospital/clinic space and 4 medical office buildings with 78,000 square feet as Tualatin and their patient base increased. Although changes in health care service delivery models and hospital construction funding mechanisms make it difficult to predict the quantity, type and timing of expansion, Legacy needs to add buildable land area now to be prepared to add buildings and programs to serve future anticipated population growth as it occurs.

4. Property values.

The existing Plan Map designation of RL could result in an estimated 94 single family homes being built on the subject property. Less homes would likely be built due to the drop in grade and proximity of wetlands at the north end of the property. Assuming an assessed property tax value, in today's dollars, of \$200,000 per home, and the current rate of 22.6 per \$1,000, the property developed at its current designation would generate approximately \$425,000 of tax revenue to the city. Given the much higher value per square foot, it is anticipated that the tax revenue from medical development will easily meet or exceed the amount generated by residential uses.

5. The needs of the economic enterprises and the future development of the area.

Appropriately sized and located medical services support current and future development of residential and commercial uses. Residents prefer hospital and doctor's offices located close to home with easy transportation access. It is also preferable to both the community and the hospital to cluster buildings near its patient base in a campus setting that supports doctors and other staff being able to walk between the hospital, clinics and doctor's offices. With the addition of the 20 acres of the subject property, the campus will total 75 acres, close to the ideal size to serve the size and type of population in its patient base.

6. Needed right of way and access for and to particular sites in the area.

No development of the property is proposed at this time. Changing the designation of the property does not allow more intense development than that allowed as a conditional use by the current designation. Improvements directly related to development of the subject property appear to be possible using existing right of way and possibly hospital owned property depending on actual survey of the property line. Development of the site, when it does occur, will not restrict or affect right of way or access for and to other sites in the area. See discussion of Transportation Planning Rule in section below addressing Statewide Transportation Goal.

7. Natural resources of the City and the protection and conservation of said resources.

8. Prospective requirements for the development of natural resources in the City.

There are no natural resources on the subject property nor on the existing hospital campus.

While the river and its associated wetlands is to the north, there are buildable parcels of land between these natural resources and northern boundary of the existing campus. The required 50 foot buffer to the wetlands currently extends approximately 15 feet inside the northeast corner of the subject property. See attached sketch.

However, the property to the north currently has proposed to mitigate for filling some of the existing wetland as part of developing that site for a fitness club. Should this development and mitigation proceed, the buffer will change and no longer extend into the subject property. (mitigation plan attached for convenience) Legacy will comply with any environmental buffer requirements as part of the design of future development.

The City has acquired land along the river for parks and open space to protect and conserve natural resources.

While not designated as a natural resource, as many of the existing mature trees at the south end of the subject property near Borland Road will be preserved as possible as part of the design of the access road off Borland Road.

9. The public need for healthful safe, aesthetic surroundings and conditions.
Making the Plan Map amendment will contribute to the health and well being of the public by permitting orderly planned expansion of medical services. In addition, any development of the property will be guided by Chapter 56, Medical Center Planning District, standards. This chapter establishes setback and height standards to buffer development from property that abuts the boundary of the district and incorporates, by reference, other City code chapters that govern community design standards, parking and loading, and landscape standards. Development of the subject property will meet or exceed the aesthetic design and quality of the existing Meridian Park Campus development and will be reviewed through the city's Architectural Review process. As mentioned above, circulation will link to the existing internal road system of the existing campus and to Borland Road with no need to connect or direct traffic onto local residential street that terminate at the western edge of the subject property.

10. Proof of change in a neighborhood area.
The property directly to the west and abutting the subject property is designated MC and is developed as a medical campus. Legacy purchased the subject property five years ago with the intention to expand the campus. While hospital and related uses are permitted as a conditional use with the existing Plan Map designation, changing the designation to MC specifically governs and permits medical center and related uses and applies the development standards needed to buffer these uses from adjacent uses. In addition, the area is primarily built out and the subject property is the best remaining parcel for medical center expansion.

Statewide Planning Goals.

The request for the Plan Map Amendment to MC meets the Statewide Planning Goals as follows:

Goal 1 Citizen Involvement.

This request is following the procedure for citizen involvement, including conducting a neighborhood/developer meeting, posting the property and sending written notice to owners within 300 feet of the property, as outlined in the Tualatin Community Plan.

Goal 2 Land Use Planning.

The City of Tualatin prepared a Comprehensive Plan that was acknowledged by the State in 1981 and has since conducted numerous post acknowledgment processes. This Plan Map amendment request is following the procedures and addressing the approval criteria contained in the Tualatin Community Plan.

Goal 3 Agricultural Lands.

Not applicable. The subject property is not classified as agricultural land.

Goal 4. Forest land.

Not applicable. The subject property is not classified as forest land.

Goal 5. Natural Resources, Scenic and Historic Areas and Open Space.

The buffer requirements contained in the environmental resource chapter of the Tualatin Development Code address preserving this resource. Clean Water Services (CWS), the agency that regulates protection of sensitive areas, has reviewed Legacy's Sensitive Area Pre-Screening Site Assessment and determined that Sensitive Areas potentially exist within 200 feet of the subject property. CSA has provided a Pre-Screening Site Assessment form that functions as a Service Provider Letter since no development is proposed at this time. This form is attached. Pacific Habitat, an environmental consultant, located the required 50 foot buffer to the sensitive area: a small portion of which currently extends approximately 15 feet inside the northeast corner of the subject property. The location of this buffer will change and not extend into the property should the proposed Fitness Club development and its related wetlands modification occur to the north of the subject property. Legacy will incorporate this current buffer if still present when future development is designed.

The City of Tualatin lists the Minnie Skog farm house located on the subject property as a local historic resource. Legacy has been in conversation with the local chapter of the Historical Society about the possibility of moving the house with no positive result to date. Legacy plans to apply for landmark demolition or relocation of this house in compliance with the regulations of Chapter 68 of the Tualatin Development Code which include offering the house for relocation for at least 90 days.

Goal 6 Air, Water, and Land Resources Quality.

Both the current and proposed Plan Map designations are regulated by Tualatin's Comprehensive Plan and implementing measures that address state and federal regulations related to air, water, and land resource quality.

Goal 7. Areas subject to natural hazards.

The subject property is not located in an earthquake or flood plain zone.

Goal 8. Recreational needs.

Neither the current or proposed Plan Map designation reserves the subject property for recreational needs.

Goal 9. Economic development.

The Portland Vancouver Regional Business Plan prepared by the Portland Business Alliance (PBA) identifies the Medical Service sector as a key industry cluster for the region. Amending the Plan Map will support the growth and expansion of the hospital and related medical services that contribute to Tualatin's competitive position in this cluster. Having land for expansion supports Legacy's ability to provide health care services to other area employers, to continue to increase the opportunities for jobs at a range of wage and salary levels, and to build the infrastructure and buildings needed to house others providing services in this important economic sector.

Goal 10. Housing.

The City of Tualatin currently complies with Metro's Functional Plan that establishes targets for the amount of housing to be accommodated in each local jurisdiction. Tualatin has calculated how much residentially zoned land it needs to meet this target with a variety of single family and multifamily units built at different density levels. City staff have estimated that there will be sufficient land to accommodate the targeted amount of housing units based on current and assumed build out rates after removing the subject property from the lands available for housing. In addition, the proposed Plan Map designation allows housing such as congregate care and assisted living facilities as a permitted use.

Goal 11. Public facilities and services.

Tualatin has an acknowledged public utilities plan. The subject property is located in a predominantly built out area of the city that is already served with water, sewer, police and fire prevention services. Granting the proposed Plan Map designation adjacent to the existing medical campus allows for efficient delivery of services to the same location.

Goal 12. Transportation.

In accordance with the Plan Map amendment process, Legacy engaged traffic engineers, Kittelson & Associates, to prepare an analysis of existing and "worst case scenario" traffic conditions to determine the impact and any mitigation measures needed to support the anticipated development should the Plan Map amendment be approved. To establish the "worst case scenario" ZGF, project architects, analyzed the buildable capacity of the site. Assuming the most likely use is medical office

building with surface parking, which function most efficiently with a 20,000 square foot floor plate and surface parking, ZGF found, given setbacks, surface parking at the required ratios, and required landscaping, that both the current RL classification and the proposed MC designation result in a "worst case scenario" of three 4 story medical office buildings totaling 240,000 square feet. The TPR analysis from Kittelson & Assoc. submitted in the application package, reflects these assumptions and finds that there is no change or impact to an existing or proposed transportation facility if the proposed Plan Map amendment is approved.

Goal 13. Energy Conservation.

Allowing expansion of the existing medical campus promotes conservation by minimizing number and length of trips for a variety of medical services, for delivery of goods and services and for efficient staffing and administration. In addition, as an employer of a concentration of employees and owner of a larger facility, conservation measures such as recycling and employee commuter program can benefit from efficiencies of scale.

Goal 14. Urbanization.

The subject property is within the urban growth boundary for the City of Tualatin, is governed by an acknowledged comprehensive plan and is in compliance with the Metro Functional Plan.

Goal 15. Willamette River Greenway

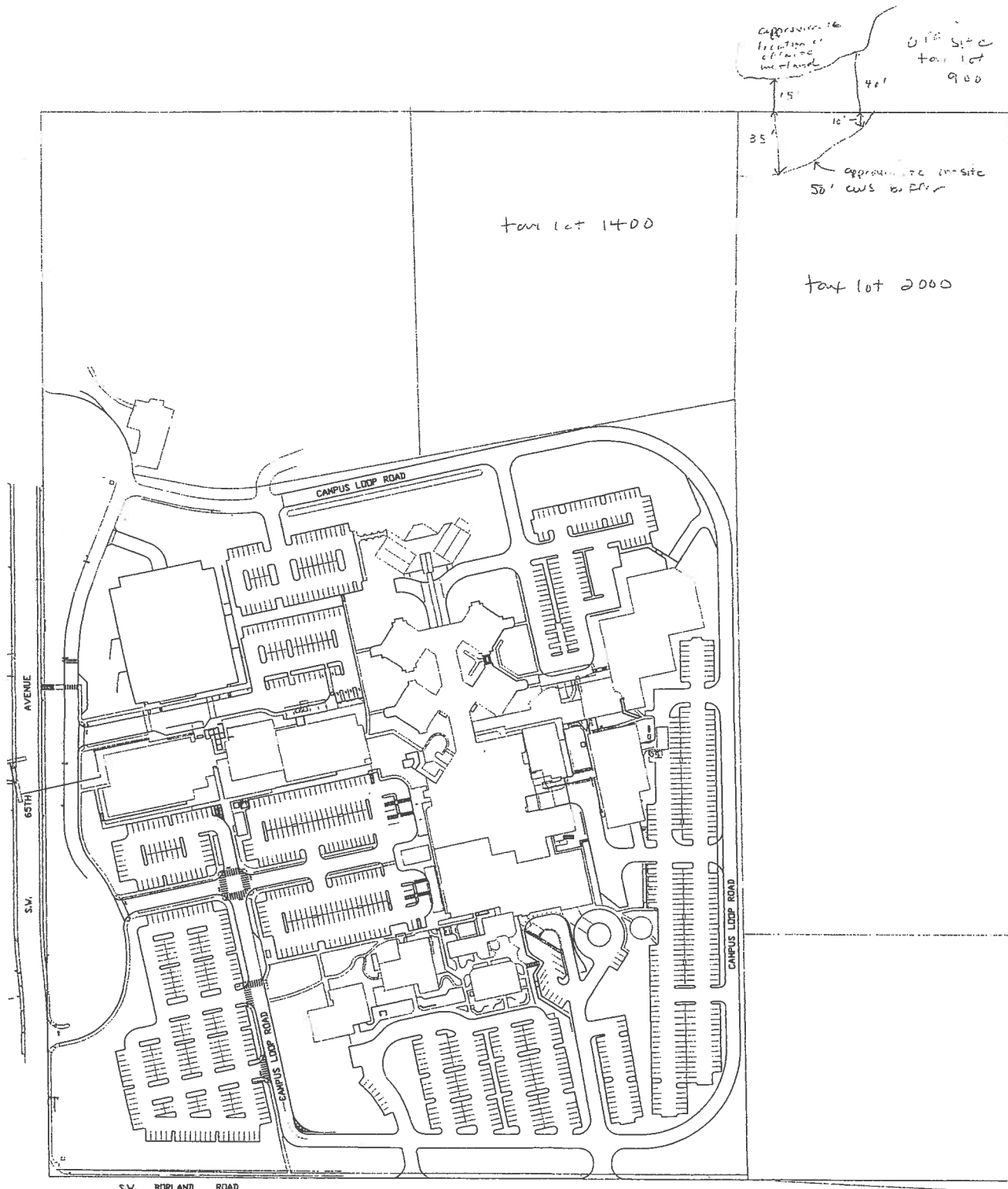
Goal 16. Estuarine Resources

Goal 17. Coastal Shoreline

Goal 18. Beaches and Dunes

Goal 19. Ocean Resource

None of these goals applies because the subject property is not located in any of these planning area types.



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TRANSPORTATION ENGINEERING / PLANNING

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MEMORANDUM

Date: August 21, 2009

Project #: 9760.0

To: Thomasina Gabrielle
Gabrielle Development Services
2424 NW Northrup
Portland, OR 97210

From: Mark A. Vandehey, P.E.

Project: Legacy Health System - Meridian Park Property Rezone

Subject: Transportation Planning Rule Analysis

Legacy Health System proposes to rezone a 20-acre site immediately east of its Meridian Park Hospital from RL – Low Density Residential to MC – Medical Center. No specific development is proposed for the site at the present time. This memorandum presents the results of an analysis of the proposed zone change's compliance with the Transportation Planning Rule (TPR), OAR 660-012-0060.

SUMMARY OF FINDINGS

The TPR institutes criteria under which the transportation impacts of a post-acknowledgement plan amendment and zoning map amendment must be evaluated (OAR 660-012-0060(1)). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

COMPARISON OF TRIP GENERATION POTENTIAL

The TPR analysis requires a comparison of the "reasonable worst case" development scenario for both the existing and proposed zoning. For the proposed site, the project architect (ZGF Architects) conducted an analysis of the City of Tualatin Development code and considered both the site constraints (such as topography, landscaping requirements, building height restrictions, setbacks, parking requirements, etc). A more detailed discussion of this analysis is included in the application narrative prepared by Gabrielle Development Services. ZGF Architect's analysis shows that the "reasonable worst case" development scenario is the same for both the existing and proposed zoning. Specifically, the "reasonable worst case" development scenario for the existing and proposed zoning designation is 240,000 square feet of medical office space. Accordingly, the proposed zone change results in no change in the "reasonable worst case" trip generation potential of the site.

TRANSPORTATION PLANNING RULE COMPLIANCE

OAR Section 660-12-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 1 below summarizes the criteria in Section 660-012-0060 and their applicability to the proposed rezone application.

Table 1 Summary of Criteria in OAR 660-012-0060

Criteria	Description	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	See response below
2	Describes measures for complying with Criteria #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	See response below
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Provides guidelines for mixed-use, pedestrian-friendly neighborhood	No

As noted in Table 1, there are eight criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1, and #4 are applicable to the proposed land use action. These criteria are provided below in italics with our response shown in standard font.

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Response: The transportation impacts of the “reasonable worst case” development scenario for the proposed zoning is equivalent to the existing zoning. Further, the proposed zoning will not result in a change to the functional classification of an existing or planned transportation facility. Accordingly, based on the above criterion, the proposed zoning will not significantly affect an existing or planned transportation facility.

(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: The project team is coordinating the assessment of the transportation impact analysis with the Oregon Department of Transportation and Clackamas County.

We trust this letter adequately addresses the transportation issues associated with the proposed comprehensive plan change and rezone. If you have any questions or comments, please contact us at (503) 228-5230.



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MEMORANDUM

Date: October 1, 2009

Project #: 9760.0

To: Will Harper
City of Tualatin
18880 SW Martinazzi
Tualatin, OR 97062

From: Mark Vandehey, P.E.

Project: Legacy Meridian Park Plan Map Amendment

Subject: Transportation Analysis – Supplemental Information

This memorandum provides additional transportation information associated with Legacy Health System's proposal for a zone change and plan amendment for their 20-acre site immediately east of the Meridian Park Hospital. The two issues addressed in this memorandum are: 1) a comparison of trip generation potential for the 20 acre site assuming both residential and medical office development, and 2) a comparison of traffic impacts under residential and medical office development scenarios at key intersections within the vicinity of the site.

Trip Generation Comparison

The site's current zoning designation of RL (low density residential) allows hospitals and other medical uses integrated with the hospital as a conditional use. Based on discussion with City staff and a review of the City's RL zoning code, it was concluded that a medical office development represents the reasonable worst case trip generation scenario for the site under both the current RL classification or the proposed Medical Center (MC) for the following reasons:

- Medical office is a permitted use (conditionally under the RL zone designation and outright under the proposed MC zone designation).
- The subject property is owned by Legacy Health System that is a non profit corporation with the purpose of providing health services by building and operating hospital campuses.
- The subject property is adjacent and contiguous to Legacy Health Systems' existing campus.
- Legacy purchased the property five years ago to reserve land for campus expansion
- Based on development standards, the capacity of the site for medical office development with required landscaping and parking is the same in either the RL conditional use or MC classification.

Working with Legacy's project architect it was determined that under the existing or proposed zoning the reasonable worst case development potential for the site would be approximately 250,000 square feet of medical office development. City staff also expressed interest in knowing the trip generation potential of

the site if it were developed with residential housing as permitted outright under the RL zoning code. The City of Tualatin code allows for 6.7 units per net acre under RL zoning. Under the existing zoning, a 94-unit single family housing development could be developed on the site.

Based on the two development scenarios (residential or medical office), estimates of weekday a.m. and p.m. peak hour vehicle trip generation were developed from empirical observations at other similar developments. These observations are summarized in the standard reference manual, *Trip Generation, 7th Edition*, published by the Institute of Transportation Engineers. Table 1 summarizes the trip generation estimates.

**Table 1
Estimated Trip Generation**

Land Use	ITE Code	Size	Weekday AM Peak Hour Trips			Weekday PM Peak Hour Trips		
			Total	In	Out	Total	In	Out
Single Family Residential	210	94 units	75	20	55	100	60	40
Medical Office	220	250,000 square foot	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

As indicated in Table 1, the site has the potential to generate significantly more traffic with 250,000 square feet of medical office development than with a 94 single family homes. Table 1 also confirms that medical office is the appropriate reasonable worst case development scenario for the existing zoning.

Comparison of Year 2028 Traffic Conditions

City staff also requested a comparison of intersection level of service at key intersections within the vicinity of the site under the residential and medical office development scenarios under. Accordingly, an analysis of future year 2028 conditions was evaluated. The year 2028 forecast traffic volumes include traffic generated by the recently approved *Stafford Hills Racquet & Fitness Club* project. Table 2 provides a comparison of intersection levels of service under the various zoning scenarios.

Table 2 Comparison of Intersection LOS Results

Intersection	Existing Zoning w/Residential Development	Existing Zoning w/Medical Office Development	Proposed Zoning w/Medical Office Development
	AM/PM	AM/PM	AM/PM
SW Nyberg Road/ SW Nyberg Lane	B/C	B/C	B/C
SW 65 th / SW Borland Road	D/D	E/E	E/E
SW 65 th / SW Sagert	F/F	F/F	F/F
SW Borland/ Site Access	C/C	C/E	C/E
SW Borland Road/ SW 57 th Avenueue	C/D	D/E	D/E

City of Tualatin's level of service standard is LOS "E" or better during the highest one hour time period. As indicated in the table, this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario.



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COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

Date: November 9, 2009 **Project #:** 9760

To: Will Harper, City of Tualatin

CC: Seth Brumley, ODOT
Larry Hill, Legacy

From: Julia Kuhn, P.E. and Mark Vandehey, P.E.

Project: Legacy Meridian Park Plan Map Amendment

Subject: Transportation Planning Rule Supplemental Analysis

This memorandum responds to issues raised in ODOT's letter dated October 26, 2009 (from Seth Brumley) related to the Transportation Planning Rule (TPR) analysis for the Legacy Meridian Park Plan Map Amendment. Per that letter, ODOT maintains that a conditional use should not be considered as a reasonable worse case for the TPR findings. As a result, they have requested analysis of the I-5/Nyberg ramp terminals assuming the development of a medical office building in order to address the TPR. The memorandum below responds to each of these items.

Reasonable Worse Case Scenarios

The TPR requires a comparative analysis of the reasonable worse case development potential under both the existing and proposed zoning. Per our previous memorandum to you (dated October 1, 2009), the 20-acre subject site is currently zoned for low density residential (RL) which allows for hospitals and medical office uses integrated with a hospital as a conditional use.

ODOT's memorandum states that they do not consider a conditional use as a reasonable worse case. It is important to note that for TPR analyses, the local agency (in this case the City of Tualatin) is responsible for determining the "reasonable worst case" scenario for existing and proposed zoning. Further, we do not find any language in the TPR that indicates conditional uses cannot be considered in the "reasonable worst case" determination. As indicated in our October 1, 2009 memorandum, based on discussion with City staff and a review of the City's RL zoning code, it was concluded that in this instance, a medical office development represents the reasonable worst case trip generation scenario for the site under both the current RL classification or the proposed Medical Center (MC) for the following reasons:

- Medical office is a permitted use (conditionally under the RL zone designation and outright under the proposed MC zone designation).

- The subject property is owned by Legacy Health System that is a non profit corporation with the purpose of providing health services by building and operating hospital campuses.
- The subject property is adjacent and contiguous to Legacy Health Systems' existing campus.
- Legacy purchased the property five years ago to reserve land for campus expansion
- Based on development standards, the capacity of the site for medical office development with required landscaping and parking is the same in either the RL conditional use or MC classification.

Finally, Conditional Use applications are not subject to TPR requirements, so it would be counterintuitive to assume they could not be considered as a possible "reasonable worst case" land use. In this situation, the "reasonable worst case" determination boils down to a simple question: Is it "reasonable" that 250,000 square feet of medical office could be developed with the existing zoning for the subject property? For the reasons stated above we believe the answer is clearly yes.

Please let us know if you need any additional information to prepare the TPR findings. We will be available at the November 9th hearing to answer any questions.

ATTACHMENT E

PMA-09-03: BACKGROUND INFORMATION

Pertinent background information obtained from the proposed PMA-09-03 and other supporting documents is summarized in this section.

The applicant is Ms. Thomasina Gabriele of Gabriele Development Services on behalf of the property owner, Legacy Health System (LHS). Mr. Larry Hill represents Legacy Health System. The subject properties are two undeveloped parcels totaling 19.6 acres located at 6001, 6021, 6031, 6041 SW Borland Road in the RL (Low-Density Residential) Planning District (Clackamas County Assessors Map 21E 19C 1700 & 2000). Parcel 1700 (Attachment D, Plat Map-) adjoins the north side of SW Borland Road and both subject parcels adjoin the east property line of the Legacy Meridian Park Medical Center (LMPMC) campus located in the MC Planning District and the west boundary of the Fox Hills residential neighborhoods in the RL Planning District. Legacy Health Systems purchased the subject property in 2004 for future expansion of the 46 acre LMPMC campus and facilities. LHS does not have plans for buildings or other improvements on the property at this time

The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use [TDC 40.020(1)] and allows a hospital or sanitarium as a conditional use [TDC 40.030(4)(h)]. The MC Planning District which currently encompasses the LMPMC campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

Changing the designation on 19.6 acres (with .25 acres of abutting ROW) to MC would allow the LMPMC campus to expand with buildings, parking and landscaping onto the subject properties in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District [TDC Chapter 56].

ATTACHMENT F

PMA-09-03: ANALYSIS AND FINDINGS

The proposed amendment to the Tualatin Development Code (TDC) Community Plan Map 9-1) is to change the Planning District designation of the 19.6 acre Tax Lots 1700 & 2000 on Map 21E19C (and .25 acres of SW Borland Road ROW) from Low-Density Residential (RL) to Medical Center (MC) on land located at 6001, 6021, 6031, 6041 SW Borland Road.

The eight (8) approval criteria of Section 1.032-Burden of Proof of the TDC must be met if the proposed Plan Map Amendment (PMA) is to be granted. The Applicant has prepared a narrative that addresses the criteria (Attachment D) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Criterion 1-Granting the amendment is in the public interest.

The Applicant states: "The plan map amendment will allow for expansion of the essential health care services provided by Meridian Park (Medical Center). The plan map amendment will add 20 acres to the existing campus providing room for additional buildings as they are needed to provide the complement of hospital and outpatient services to best serve the healthcare needs of the public. Expanding on the subject property, adjacent to the existing campus will promote orderly development located on existing arterials in a part of the city that is developed and has public infrastructure in place." (Attachment D, pg. 1)

As identified by staff, the public interest is to:

- 1) To respond to the Legacy Meridian Park Medical Center (LMPMC) plans to expand the medical center campus and facilities onto the 19.6 acre Legacy Health Systems (LHS) property adjacent (east) to the existing campus with planning actions such as the proposed PMA;
- 2) Designate land associated with LMPMC in the MC Planning District, a district that allows a primary care hospital with associated and supporting medical and health care services and facilities as permitted uses;
- 3) Encourage the availability of medical and health care services for residents of the Tualatin area with an adequate supply of land designated as the Medical Center Planning District.
- 4) Ensure that the MC Planning District and a large medical and health care facility such as LMPMC is served by adequate transportation facilities;
- 5) Ensure an adequate supply of residential land is available for various housing types.
- 6) Protect the character and livability of residential areas adjacent to a MC Planning District.
- 7) To consider relevant Tualatin Tomorrow Community Vision and Action Plan objectives such as for health care services.

The applicant's public interest statements and the first three (#1-#3) public interests listed in this analysis are associated with the importance of the LMPMC medical center

to the community as a local hospital facility and provider of a full range of medical and health care services. The LMPMC facility benefits the community with its locally available medical and health care services, as a center for other medical-professional businesses, and as Tualatin's largest employer. The campus includes a senior care/housing facility. The existing 46 acre LMPMC site is centrally located in Tualatin and borders both SW 65th Avenue and SW Borland Road which connect the residential and commercial areas of Tualatin with the LMPMC campus. There are a number of private medical offices and clinics in Tualatin that are nearby or easily accessible to the LMPMC campus.

Legacy Health Systems purchased the former Grmitt property in 2004 with the intention of securing room to expand the LMPMC campus in the future. The LMPMC campus is currently designated as an MC Planning District and to expand medical and health care services and facilities onto the RL Planning District parcels 1700 & 2000 to the east, the LHS would need to either obtain a conditional use permit for a "hospital" in the RL district, or apply to change the designation to MC. The MC Planning District with its list of permitted medical, health care and supporting uses was created in 1992 for the LMPMC campus. LMPMC properties were previously in the RL Planning District and subject to having to obtain conditional use permits for each new building or health service needed for the property. The MC Planning District allows LHS to introduce new or expanded health services and plan and invest in the buildings and facilities located on the LHS property with the certainty that the uses are permitted and can be accommodated near the largely residential areas of Tualatin east of SW 65th Avenue.

The Plan Map Amendment to change the 19.6 acres from RL to MC as proposed by LHS, allows the LMPMC to expand facilities and services onto property that has a matching zoning and consistent with the standards and provisions that the existing facilities are subject to. The growth and expansion of the LMPMC medical and health care facilities facilitated by the proposed PMA, is an increase in the availability of medical and health care services for the Tualatin community. This satisfies the public interests #1-#3 in supporting and encouraging the growth in LMPMC services.

The LMPMC campus adjoins and has multiple accesses on both SW 65th Avenue (west) and SW Borland Road (south) which are Major Arterial streets directly connecting the LMPMC with Stafford Area & I-205 freeway to the east and south, SW Sagert Street and SW Nyberg Street to the west with the I-5 freeway, Tualatin's central downtown area and the residential areas to the south and further west. The subject property adjoins SW Borland Road and will share the same arterial street connections that the existing LMPMC campus does. No connections to nearby residential streets such as SW Natchez, SW Wichita or SW Joshua is planned or proposed to serve the LMPMC and MC Planning District development. The existing arterial street connections for the LMPMC campus discourage or eliminate LMPMC traffic using collector and local streets in the nearby residential areas. This meets the public interest #4 for the medical center and MC District adequately connected by arterial streets to both the local and regional transportation system.

The LHS property is currently in the RL Planning District that is primarily for single-family detached residential housing (up to 100 single family homes on the 19.6 acre subject property net 20% for required public streets and water quality facilities) as well as limited-size residential facilities. As addressed under Statewide Planning Goal 10 (Attachment F, pp 9-10), removing the 19.6 acres (+.25 acre ROW) from the RL residential designation, leaves the City's overall housing density and single-family/multi-family housing mix in compliance with the Oregon Metro Housing Rule standards. An adequate supply of residential housing land is retained if the RL designation is replaced with an MC designation. The MC Planning District allows assisted living, congregate care and residential facilities as permitted uses [TDC 56.020(j)]. The proposed MC designation will reduce the available land for single family detached housing but will provide some opportunity for congregate care/assisted living facilities. Metro Functional Plan Housing Targets are discussed on (Attachment F) pp. 10-11. The public interest for adequate residential land supply listed in #5 above is satisfied.

Interest #6 is to protect the character and livability of residential areas adjacent to a MC Planning District. The MC Planning District setback, building height, minimum landscaping and other standards are intended separate the medical center activities including buildings and parking away from residential properties and with specific buffering and landscape standards. The traffic impacts of the change from a residential designation to the MC Planning District are considered under the Goal 12 and Criterion G analysis. The traffic information concludes that the transportation system is adequate to accommodate the increased amount of traffic of a medical center and that the impacts will be confined to major streets such as SW Borland Road and SW 65th Avenue, not local residential streets. The proposed Legacy Development Agreement includes provisions committing Legacy to construct improvements to the SW 65th/Sagert and SW 65th /Borland Road intersections at the time the first building is constructed on the subject property. This will be a substantial contribution to the capacity and function of the transportation system.

Interest #7 is consideration of the public interests listed in the Tualatin Tomorrow Action Plan calling for access to health care and accessible health care for residents of the City as discussed in the section under Criterion 3 of this attachment.

Granting the amendment is in the public interest. Criterion "1" is met.

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

The Applicant states: "Legacy purchased the property 5 years ago with the intent to preserve land for anticipated expansion. While no buildings are proposed at this time, granting the plan map amendment will indicate an alignment of public planning with the intent of the hospital. This protects the public interest by making explicit future plans for the type of private growth anticipated and ensuring that public infrastructure is planned and financed appropriately. In addition, the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses." (Attachment D, pp. 1)

The LHS is moving forward with its investments and improvements on the LMPMC campus and needs to have the 19.6 acre suitably zoned and available as they proceed. The MC Planning District allows the various medical and health care uses that are anticipated as the LMPMC facilities grow while providing appropriate standards for site planning, building height, and landscaping. It is in the public interest to change the Planning District designation to MC, thus laying the groundwork for development of the site as part of the LMPMC campus.

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

Criterion "2" is met.

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

The applicable objectives of the Tualatin Community Plan are presented below along with the Applicant's response, which is also included in Attachment D.

General Growth Objectives:

TDC 4.050(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

The objective of TDC 4.050(6) is met because the MC designation has standards for setbacks, building heights and landscaping that buffer the medical center development to residential developed areas on the east of the site and minimize conflicts. The MC Planning District designation allows more intensive development and when built will increase the efficiency and utilization of public facilities improvements in the area, including sewer, water, stormwater and transportation.

TDC 4.050(9) Prepare a plan providing a variety of living and working environments.

The objective of TDC 4.050(9) is met because adding additional MC land to the SW Borland Road area would provide additional employment with proximity to Tualatin residential areas. This objective is met.

Semi-Public Land Uses--Objectives:

TDC 8.050 Objective (2) Allow uses such as churches, retirement homes and hospitals in commercial and residential planning districts, subject to conditional use approval, and allow congregate care facilities, assisted living facilities and residential care facilities and hospitals as permitted uses in the Medical Center District..

TDC 8.050 Objective (4) Locate uses such as churches, retirement homes and hospitals that are in residential planning districts adjacent to arterial or collector streets and close to the City's park areas.

The applicant states "The plan says that hospitals should be located in a Medical Center District as a permitted use or in commercial and residential zones as conditional uses.

The current plan designation on the property is residential which would allow and its related uses as a conditional use but the level of certainty for the hospital and the neighborhood is less. Locating related uses on adjacent property supports the needs of patients and doctors to have access to hospital and office uses on the same campus. It is more straightforward and in conformity with this objective, given Legacy ownership and the adjacency to the existing hospital, to extend the MC designation already on the campus to adjacent subject property.” (Attachment D, pp. 1-2)

“The objective also states that hospitals (in residential districts) should be located adjacent to arterial or collector streets and close to City’s park areas. The land in question fronts SW Borland Road, designated as a major arterial.”
(Attachment D, pg. 1)

The proposed map amendment to designate the 19.6 acre property as MC is consistent with the objectives relating to hospital location in an MC District and adjacent to arterial streets. The LHS properties are near the Atfalati and Browns Ferry City Parks. Staff agrees that the MC designation is the appropriate Planning District for the LHS property and future expansion of the LMPMC campus, and with the applicant’s reasons, meets the objectives.

The Tualatin Tomorrow Community Vision and Strategic Action Plan, June 2007, lists under the Access to Health Care & Accessible Health Care Strategies to “Help ensure that all residents of Tualatin have access to comprehensive health care.”(Strategy HSS5) and “Promote the availability of quality health care and state-of-the-art medical facilities to all Tualatin residents, regardless of insurance.” (Strategy HSS19) The ability to expand the LMPMC campus and facilities onto the LHS property with a MC Planning District designation allows the LMPMC to continue to offer up to date and comprehensive medical and health care services in a location and system that is available to Tualatin residents.

The proposed amendments conform to the applicable objectives of the Tualatin Community Plan.

Criterion "3" is met.

D. Criterion 4—The factors listed in Section 1.032(4) were consciously considered:

The various characteristics of areas in the City.

The area of the City affected by this amendment are located on all sides of the existing LMPMC campus and includes the single family residential areas on both sides of SW Borland Road east of SW 65th Avenue including the Fox Hills & Sequoia Ridge neighborhoods; the commercial office and multi-family residential developments on the west side of SW 65th Avenue and the Zupancic/Stafford Hills Racquet & Fitness Center property north of the LMPMC/LHS properties. The Applicant states “Similar to other hospital campus locations in Portland, Meridian Park Hospital is located in a primarily residential neighborhood close to arterials and a major freeway interchange. Generally hospital campuses work best located near the residential neighborhoods they primarily

service with regional access to the goods, services and employment base needed to operate.” (Attachment D, pg. 2)

The proposed amendment is appropriate in relation to the characteristics of the residential area, LMPMC campus and commercial office developments in the SW 65th Avenue/SW Borland Road area.

The suitability of the area for particular land uses and improvements.

The Applicant states: “The most important characteristic of the area is that the property in question abuts the existing Meridian Park Hospital (Medical Center) campus and so is ideally located for development of buildings needing close proximity to the main hospital such as medical office buildings.” “Adding the property will have minimal impact on the surrounding residential area since the property abuts the fitness center to the north, the back yards of the adjacent subdivision to the east, the existing hospital campus to the west and SW Borland Road, a major arterial to the south. Because of adjacency, internal circulation can connect into the existing campus road system from one entrance on Borland Road without the need to connect or route traffic through the residential streets of the adjacent residential subdivision.” (Attachment D, pg. 2) The medical center land uses allowed in the MC Planning District with the development standards are compatible with the surrounding land uses in the SW Borland Road/SW 65th Avenue vicinity. The area is suitable for MC Planning District uses and a future expansion of the LMPMC campus.

Trends in land improvement and development.

The Applicant states: “The area is nearing complete build out. Legacy Meridian Park is the cornerstone of health care services for the area and needs expansion room to continue to meet the need for medical services. Over the past 10 years Legacy has built 54,848 square feet of hospital/clinic space and 4 medical office buildings with 78,000 square feet as Tualatin and their patient base increased.” “...Legacy needs to add buildable land area now to be prepared to add buildings and programs to serve future anticipated population growth as it occurs.” (Attachment D, pp. 2-3)

In the future, LHS will need to expand the LMPMC facilities onto the subject property and seeks to change the Planning District designation to MC as the most appropriate for a modern medical center facility.

Property values.

The Applicant provides information about development potential on the LHS property and taxation.” (Attachment D, pg. 3)

While there is no evidence that the current vacant condition of the buildings on the LHS/former Grmitt property have a direct impact on property values of neighboring residential properties, it can be expected that redevelopment of the site with an appropriate use and with suitable improvements will not negatively affect property values in the area.

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

The Applicant states: "Appropriately sized and located medical services support current and future development of residential and commercial uses." "...with the addition of the 20 acres of the subject property, the campus will total 75 acres, close to the ideal size to service the size and type of population in its patient base." (Attachment D, pg. 3)

The property owner, LHS, requests a change in the Planning District designation to MC to continue to expand the medical and health services expected of the LMPMC facilities.

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

The Applicant states: "No development is proposed on the property at this time." "Development of the site, when it does occur, will not restrict or affect right of way or access for and to other sites in the area." (Attachment D, pg. 3) A need for additional ROW on the SW Borland Road frontage may be necessary and will be addressed with issues of access to SW Borland Road during a development process. The ROW and access issues related to development on the property are relevant to both the existing and proposed Planning District designation and will be addressed in the development process including the public facilities decision in Architectural Review.

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

The proposed map amendment does not impact or alter designated natural resources associated with a development on the LHS site. The site includes clusters of deciduous and conifer trees on the south and around the Grimitt farmhouse that the owners are aware of. LHS indicates some of the trees will be preserved when development occurs.

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

Not applicable because the proposed map amendment does not impact or alter natural resources.

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

The Applicant states: "...any development of this property will be guided by Chapter 56, Medical Center Planning District, standards. This chapter establishes setback and height standards to buffer development from property that abuts the boundary of the district..." "Development on the property will meet or exceed the aesthetic design and quality of the existing Meridian Park Campus development..." "...circulation will link to the existing internal road system of the existing campus and to Borland Road with no need to connect or direct traffic onto local residential streets that terminate at the (eastern) edge of the subject property." (Attachment D, pg. 4)

Staff agrees with the Applicant that the proposed amendment for the MC Planning District comes with established development standards for separation and buffering of residential areas from the MC development and the Architectural Review process can address certain aesthetic and safety concerns. The public need for healthful and safe

conditions applies here and is addressed under Criterion 1, where the finding is that granting the amendment is in the public interest.

Proof of a change in a neighborhood or area.

The Applicant states: "...changing the designation to MC specifically governs and permits medical center and related uses and applies the development standards need to buffer these uses from adjacent uses." "...the area is primarily built out and the subject property is the best remaining parcel for medical center expansion." Attachment D, pg. 4)

As stated earlier in this Section and in the applicant's statements quoted above (Attachment D, pg. 12), the area of the City affected by this amendment includes the existing single-family and multi-family residential developments in the vicinity of SW Borland Road and SW 65th Avenue and the LMPMC campus and nearby medical office developments in the CO Planning District. TDC Map 9-2 Neighborhood Planning Areas identifies the area in the vicinity of the LMPMC as Area 5, characterized by the mix of residential, commercial and medical office & LMPMC uses (TDC 9.035). The proposed change to MC conforms to the Area 5 mix of uses.

A mistake in the plan map or text.

No mistake is alleged or found.

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

Criterion "4" is met.

E. Criterion 5-The criteria in the Tigard-Tualatin School District (TTSD) Facility Plan were considered.

The TTSD has not commented on the effect of removing the 19.6 acres from a residential designation on the capacity of TTSD schools. TDC 1.032(5) lists the school capacity formula for evaluating a land use action in respect to the TTSD Facility Plan. A decrease in residential density is something to be evaluated by the TTSD.

Criterion "5" was considered.

F. Criterion 6-Oregon Statewide Planning Goals

Of the 14 Statewide Goals, 9 Goals were considered and found to not be applicable to this proposed amendment. Staff has determined that Goals 1, 2, 10 and 12 are applicable and must be addressed.

The Applicant addresses these Goals as follows:

Goal 1: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The Applicant states: “This request is following the procedure for citizen involvement...” “This Plan Map Amendment request is following the procedures and addressing the approval criteria contained in the Tualatin Community Plan.” (Attachment D, pg. 5)

Staff agrees that the proposed amendment is consistent with Statewide Planning Goals 1 and 2.

Goal 10: Housing. To provide for the housing needs of citizens of the state.

The proposal will not jeopardize the City maintaining its regional housing density and housing mix standards that are a principal element of Goal 10 implementation (in the Metropolitan Housing Rule, OAR-660-007). Therefore, the proposed amendment complies with Goal 10. The Metropolitan Housing rule is a State of Oregon Administrative Rule that applies to the cities and counties within the metropolitan Portland urban growth boundary. While applying to the Portland region, it is not imposed by Metro, the Regional Government.

The application narrative briefly addresses Goal 10 (Attachment D, pg. 6) and describes change in capacity and mix of housing units that can result with the proposed MC designation of the 19.6 acre subject property.

Staff has prepared information on the effect of changing the designation of the property and the adjacent public ROW from the residential RL to MC on meeting the Metropolitan Housing Rule with updated analysis of planned housing density and housing mix to reflect the size of the RL properties as shown on Tables 2A & 2B. Staff determined that changing the 19.6 acres of land and .25 acres of public street ROW from RL to MC will have no significant change to the existing residential density of 8.17 du/acre, which complies with the Metropolitan Housing Rule requirement of a minimum of 8.0 du/acre planned residential density. The Metropolitan Housing Rule New Construction Mix (OAR-660-007-0035) requires cities to provide the opportunity for at least 50% of new residential units to be attached single-family housing or multiple family housing. As calculated by staff, changing 19.6 acres of RL residential land (with .25 acres of ROW) in the City’s supply to the MC designation will increase the attached/multi-family housing share from 52.09 percent to 52.5 percent, which would satisfy the requirement.

Other provisions of the Metropolitan Housing Rule including calculations of the supply of buildable land and needed housing are evaluated at the time of Periodic Review. Tualatin was found in compliance in the 1994 Periodic Review by the Land Conservation and Development Commission and will be revisiting the residential land supply and needed housing issues in the next Periodic Review.

Staff agrees granting the PMA is consistent with Goal 10 because the City of Tualatin Comprehensive Plan will continue to exceed the minimum housing density and mix standards required by the Metropolitan Housing Rule.

Table 2A

**CITY OF TUALATIN— METRO HOUSING RULE COMPLIANCE, PMA-09-03—
 WITH PROPOSED REDUCTION OF 19.6 ACRES (+ 0.25 Acres ROW) FROM**

	RL	RML	RMH	RH	RH/HR	Total
Total acres in each residential district (current)	2,209.6	265.0	188.2	166.0	18.2	2,847.0 Acres
Acres proposed for removal from or added to residential district	-19.9					-19.9
Total acres of ROW in each residential district (+/- 0.25 acres ROW)	-442.9	-59.2	-32.4	-23.6	-3.4	-561.4
Total Gross Buildable Acres	1,746.9	205.9	155.8	142.4	14.8	2,265.8 Acres
Environmental restrictions (100 flood, NRPO, slopes > 25%)	-293.7	-44.4	-54.8	-76.4	-12.6	-481.8
Total Acres Minus Environmental Restrictions	1,453.2	161.5	101.0	66.0	2.2	1,783.9 Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.1	-11.8	-6.3	-0.2	-0.1	-315.4
Total net Buildable Acres	1,156.2	149.6	94.7	65.8	2.2	1,468.5 Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0	86.4
Total Dwelling Units Allowed	7,399.4	1,496.2	1,421.0	1,646.0	64.8	12,027.4 DUs
Dwelling units per acre						8.190

Table 2B

PMA-09-02 Metro Housing Rule New Construction Mix

	RL	RML	RMH	RH	RH/HR	Total
Total acres in each residential district (current)	2,209.6	265.0	188.2	166.0	18.2	2,847.0 Acres
Acres proposed for removal from or added to residential district	-19.9					-19.9
Total acres of ROW in each residential district (+/- 0.69 acres ROW)	-442.9	-59.2	-32.4	-23.6	-3.4	-561.4
Total Gross Buildable Acres	1,746.9	205.9	155.8	142.4	14.8	2,265.8 Acres
Environmental restrictions (100 flood, NRPO, slopes > 25%)(RL only, no shift in density as allowed in RML-RH/HR)	-293.7	0.0	0.0	0.0	0.0	-293.7
Total Acres Minus Environmental Restrictions	1,453.2	205.9	155.8	142.4	14.8	1,972.1 Acres
Non-buildable land (publicly owned, golf course, school, cemetery)	-297.1	-11.8	-6.3	-0.2	-0.1	-315.4
Total net Buildable Acres	1,156.2	194.0	149.5	142.2	14.7	1,656.7 Acres
Maximum Density Allowed by Residential District (dwelling units per acre)	6.4	10.0	15.0	25.0	30.0	86.4
Total Dwelling Units Allowed	7,399.4	1,940.3	2,242.6	3,556.0	441.9	15,580 DUs
Total Single Family Detached Units Allowed (RL)	7399.4					7,399.4 47.49% of DUs Allowed
Total Attached/Multi-Family Units Allowed (RML, RMH, RH, RH/HR)						8,180.8 52.51% of DUs Allowed

10/2/2009

* Removes 19.85 acres (19.6 lots + 0.25 ROW) from RL Gross; Removes 0.25 acres from RL ROW / Adds to MC.

Goal 12: To provide and encourage a safe, convenient and economic transportation system.

Statewide Planning Goal 12 encourages jurisdictions to provide a safe, convenient, and economic transportation system. Goal 12 is implemented through the transportation element of the City's Comprehensive Plan and through the Transportation Planning Rule (TPR), OAR 660-012-0060. The TPR requires an applicant for a plan amendment to demonstrate that the proposed change will not "significantly affect" a transportation facility within the horizon of the Transportation System Plan. If the change does significantly affect a facility, mitigation measures must be employed to address the anticipated impacts on the facility.

The Applicant states: "The TPR analysis from Kittelson & Associates submitted in the application package," "...finds that there is no change or impact to an existing or proposed transportation facility if the proposed Plan Map Amendment is approved." (Attachment D, pp. 6-7). The Kittelson Memorandums find that the proposed plan amendment will not "significantly effect" an existing or planned transportation facility and satisfies all of the requirements of the TPR.

An October 27, 2009 comment from the Oregon Department of Transportation (ODOT) requested additional information from the applicants regarding the I-5/Nyberg Street interchange. (Attachment L-ODOT Letter 1) The applicant is preparing the requested information for ODOT. A January 14, 2010 letter from ODOT (Attachment L-ODOT Letter 2) questioned the Kittelson analysis and conclusion based on a "hospital" use as a "reasonable worst case" scenario, contending that as a conditional use in the existing RL Planning District a hospital is not an "outright" "allowed" use for purposes of evaluating TPR impacts on ODOT facilities. ODOT believes a conditional use is not suitable for a TPR analysis and would prefer that a permitted use under the RL designation (single-family residential) be used for evaluating the effect.

A medical office/clinic use is allowed as a hospital use (conditional in RL) and as a permitted use in MC. Because the City considers both permitted and conditional uses are "allowed" uses under the TDC and due to the history of the LMPMC as both a conditional use under RL (Previously approved in Case #s CUP-89-06; CU86-04; CU84-03; CU83-05; CU80-03; 1970) and a permitted use under the MC Planning Districts as well as the long-held expectation that LHS will expand the LMPMC facility onto the subject property in the future, Staff disagrees with the ODOT position and accepts the Kittelson TPR analysis using 250,000 s.f. of medical office as a 'reasonable worst case' scenario.

The Engineering Division Memorandum (Attachment H, pp. 1-3) indicates the TPR analysis information resulting determinations will be provided for the Council's public hearing as soon as it is available.

G. Criterion 7-Metro's Urban Growth Management Functional Plan (UGMFP).

Staff reviewed the PMA in terms of the Metropolitan Service District's Urban Growth Management Functional Plan as provided in Metro Code, Title III, Planning, Chapter 3.07 Urban Growth Management Functional Plan. The UGMFP and TDC Map 9-4 Design Type Boundaries, identify the Residential Planning District areas bordering SW

Borland Road east of the current LMPMC campus as “IN Inner Neighborhood”. The proposed amendment revising the Planning District from RL to MC can be accounted for in a periodic revision of Design Types with Metro.

Title 1 (Housing and Employment Accommodation) and Title 7 (Housing Choice) of the UGMFP (Chapter 3.07) are applicable to the proposed PMA.

In a November 20, 2009 letter (Attachment K), Metro requested information demonstrating that the proposed Plan Map Amendment will “...not reduce the city’s dwelling unit capacity in Table 1.” Metro asked for an analysis that documents how the city will maintain the dwelling unit capacity of Title 1 Table 1.

Table 1 in Title I states the City’s housing capacity from 1994 and 2017 is 4,054 dwelling units. The housing capacity target is to be achieved by providing a potential for housing development within the City’s Planning Area considering an amount of zoned and developable residential land (land designated in RL – RH/HR Residential Planning Districts) and an amount of land eligible for residential development (land in commercial or MC Planning Districts eligible for residential uses).

The PMA proposes to change the LHS Property’s Low-Density Residential (RL) planning district designation which supports 1-6.4 dwelling units per acre for residential uses and allows a hospital facility (with or without a residential component) as a conditional use to MC which allows residential care, nursing & convalescent facilities with a minimum of 16 dwelling units (and up to 25 dwelling units) per development area acre [56.080(6)]. The following table shows the range of housing densities associated with the two Planning Districts.

	TLID	Total Acres	Acres subject to Change	Planning District Existing	RL Potential Dwelling Units		Planning District Proposed	MC Potential Dwelling Units	
Legacy Health Systems Property	21E19C 01700 & 21E19C 02000	19.6	19.6	RL (1-6.4)	19.6	125.44	MC (16-25)	313.6	490
Net Developable Vacant	21E19C 01700	4.63	4.63	RL (1-6.4)	4.63	29.632	MC (16-25)	74.08	115.75
	21E19C 02000	12.94	12.94	RL (1-6.4)	12.94	82.816	MC (16-25)	207.04	323.5
	Total	17.57			17.57	112.448		281.12	439.25

AHR 11-23-09

Under the current RL Planning District designation, the 19.6 acre subject property is eligible for a conditional use permit (a quasi-judicial land use decision) to construct a “hospital” [TDC 40.030(h)] with a range of medical facilities including inpatient care, laboratories, clinics, outpatient clinics and medical offices that would function in a manner that is similar to the adjoining LMPMC facilities. As a “hospital” conditional use, development on the LHS 19.6 acre property may or may not include housing. Evaluating the housing capacity of the subject property under the existing RL Planning District designation and considering a residential or hospital use on the property leads

to a range of housing density from 0 (hospital use with no residential component) to the maximum 6.4 du/acre (RL single family detached residential). The current UGMFP Title I Table 1 capacity of the 19.6 acre property (17.6 acres Net Developable) under the existing RL designation is **0 dwelling units to 112 dwelling units**.

The existing LMPMC campus in the MC Planning District includes a 120 bed (in apartment-style units), multi-story, residential care facility (Tualatin Senior Care LLC, assisted living). The care facility was initially developed when the LMPMC campus was designated RL and each building in the facility was approved as a conditional use (as a hospital use or the residential care facility). When the LMPMC campus property was designated in the MC Planning District in 1992, the residential care facility became a permitted use. No additional residential or housing facilities have been developed on the LMPMC properties since. Currently, LHS has no specific plans for any form of Medical Center development on the subject property or the LMPMC, including residential or housing facilities.

Under the proposed MC Planning District designation, a residential care facility (congregate care, assisted living), convalescent homes & nursing homes with a density of 16-25 dwelling units per acre are allowed as permitted uses. Evaluating the housing capacity of the subject property under the proposed MC Planning District designation and considering a medical center with or without a residential use on the property leads to a range of housing density from 0 (medical center uses with no residential component) to the maximum 25 du/acre (MC residential care, convalescent and nursing homes). The current UGMFP Title I Table 1 capacity of the 19.6 acre property (17.6 acres Net Developable) under the proposed MC designation is a range of **0 dwelling units to 439 dwelling units**.

In terms of the Title 1 Table 1 housing capacity target for Tualatin and assuming the range of existing and proposed housing density allowed on the 19.6 acres, the proposed PMA-09-03 may represent:

1. No change to the housing capacity potential (CUP for a hospital and no recalculation of Table 1 capacity);
2. A potential loss of 125 dwelling units from the housing capacity (Remove 19.6 acres from residentially developable land capacity with no potential for residential development on subject property) (No assumption of having or obtaining housing capacity on other residential property), or;
3. A potential increase (Maximum density of MC x Net Developable acres minus Maximum density of RL x Net Developable acres) of housing capacity of 327 dwelling units (439 dwelling units in MC – 112 dwelling units in RL=327).

The City of Tualatin's Community Plan, Planning District standards and residential land capacity were deemed to meet (or exceed) the Title 1 Table 1 Housing Capacity target at the time it was established in the year 2000. This was based on the potential for housing units that Tualatin's zoning and the supply of residentially developable land provided at the time. The target capacity and an evaluation of the City's ability to meet that capacity are not based on individual development proposals and as in this case, are not changed when residential or non-residential uses allowed by a particular zoning are retained (both RL and MC allow non-residential and residential uses). Whether the 19.6 acres LHS property is changed to MC or remains RL, **the housing potential (and in this specific case, the capacity) of the property is not reduced** because it could

be all “hospital” as conditional use in RL (0 dwelling units) or could be all residential as a permitted use in MC (up to 439 dwelling units).

A similar analysis applies to the Title 7 (Affordable Housing) provisions. While the property is proposed to leave a residential designation, the MC District allows needed care facility housing that can be more affordable housing than if a typical RL Planning District property is developed as single-family subdivisions.

H. Criterion 8-Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's Planning Area.

The submitted traffic information (Attachment D, Kittelson & Associates August 21, 2009 & October 1, 2009 memorandums) analyzes Reasonable Worst Case scenarios for existing RL conditional uses and changing the Planning District designation of the subject parcel from RL to MC for three scenarios. Under the worst case scenarios for the current RL zone and proposed MC zone in the 2029 analysis, except for SW 65th & Sagert which is F/F under all scenarios, the study intersections are forecasted to have a LOS within the E/E prescribed in the TDC during the weekday p.m. peak hour & a.m. peak hour respectively.

A January 26, 2010 Kittelson Memorandum provided additional information regarding: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development. Based on comments from the Engineering Division, this information was incorporated into the Development Agreement (February 8, 2010 version).

The Engineering Division Memorandum (Attachment H, pp. 2-3) agrees with the submitted Supplemental Information statement “...this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario”.

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operated at a v/c of 1.14 and a LOS F (Attachment G, pp. 2-3). The TSP also identifies the intersection for a future traffic signal. With today's RL designation on the subject property and with the existing development in the SW Borland and 65th Area, the SW 65th/Sagert intersection is at LOS F and with today's conditions, does not meet Criterion #8.

The proposed Development Agreement with LHS identifies signal and lane improvements to the SW 65th/SW Sagert and SW 65th/Borland Road intersections to be constructed by Legacy at the time a first building is constructed on the subject LHS property.

ORDINANCE NO. _____

ORDINANCE CHANGING THE PLANNING DISTRICT DESIGNATION
FROM LOW-DENSITY RESIDENTIAL (RL) TO MEDICAL CENTER (MC)
OF PARCELS OF LAND LOCATED AT 6001, 6021, 6031, 6041 SW
BORLAND ROAD (21E 19C 1700 & 2000) AND AMENDING THE
COMMUNITY PLAN MAP 9-1 (PMA-09-03)

WHEREAS upon the application by Gabriele Development Services on behalf of Legacy Health Systems (LHS), a public hearing was held before the Tualatin City Council meeting on November 9, 2009, and continued to June 25, 2009, February 8, 2010, and March 8, 2010, relating to changing the planning district designation from Low Density Residential (RL) to Medical Center (MC) of parcels of land located at 6001, 6021, 6031, 6041 SW Borland Road (21E 19C 1700 & 2000) and amending the Community Plan Map 9-1 (PMA-09-03); and

WHEREAS notice of public hearing was given as required under the Tualatin Community Plan by publication in The Times, a newspaper of general circulation within the City, which is evidenced by the Affidavit of Publication marked "Exhibit A", and by posting a copy of the notice in two public and conspicuous places within the City, which is evidenced by the Affidavit of Posting marked "Exhibit B", and by mailing a copy of this notice under the Tualatin Community Plan, which is evidenced by the Affidavit of Mailing marked "Exhibit C", and by emailing a courtesy notice to additional property owners near the subject property, which is evidenced by "Exhibit D"; all of which are attached and incorporated by this reference; and

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

WHEREAS after the conclusion of the public hearing the Council vote resulted in approval of the application [Vote _- _]; and

WHEREAS based upon the evidence and testimony heard and considered by the Council, and especially the City staff reports dated March 8, 2010, the Council makes and adopts as its findings of fact the findings and analysis in the City staff report, marked "Exhibit E," which is attached and incorporated by reference; and

WHEREAS based upon the foregoing Findings of Fact, the Council finds that it is in the best interest of the residents and inhabitants of the City and the public; the public interest will be served by adopting the amendment at this time;

and the amendment conforms with the Tualatin Community Plan; and therefore, the Tualatin Development Code should be amended.

THE CITY OF TUALATIN, OREGON ORDAINS AS FOLLOWS:

Section 1. The Community Plan Map 9-1 is amended to change the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (and .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to MC.

INTRODUCED AND ADOPTED this 8th day of March, 2010.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

MEMORANDUM

DATE: January 27, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Dayna Webb, PE
Project Engineer 

SUBJECT: **PMA-09-03 – Proposed Zone Change from RL to MC
21E 19C #1700 & 2000 – SW Borland Road**

On August 31, 2009 the Engineering Division received Plan Map Amendment Application Notice PMA-09-03 for two properties adjacent to Meridian Park Hospital. The properties are located at 6001, 6021, 6031 & 6041 SW Borland Road and are 4.97 acres and 14.62 acres, respectively. The applicant is requesting a Planning District designation change from Low Density Residential (RL) to Medical Center (MC).

The requested Plan Map Amendment includes a total of 19.59 acres. A reasonable worst-case scenario of trips based on the existing and proposed zoning indicates an additional 545 AM Peak Hour Trips (470 In and 75 Out) and 830 PM Peak Hour Trips (190 In and 640 Out).

The applicant submitted a Memorandum – Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009. The analysis summary of findings states the following:

- The TPR institutes criteria under which the transportation impacts of a post-acknowledgment plan amendment and zoning map amendment must be evaluated under OAR 660-12-0060(1). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

The applicant also submitted a Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009. The supplemental information includes figures for trip generation and information to support TDC 1.032(8).

Additionally, the applicant submitted a Memorandum – Transportation Analysis – Supplemental Information on January 26, 2010. This supplement provides additional information associated with the proposed plan map amendment.

SW Borland Road

Clackamas County designates SW Borland Road as a Minor Arterial. The function of an Arterial is described as connecting collectors to higher order roadways. They carry moderate volumes at moderate speeds.

The City of Tualatin designates SW Borland Road as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

SW 65th Avenue

Washington County designates SW 65th Avenue as an Arterial. Washington County states the function of an Arterial is to interconnect and support the Principal Arterial highway system. Arterials intended to provide general mobility for travel within the region. Correctly sized Arterials at appropriate intervals allow through trips to remain on the Arterial system thereby discouraging use of Local streets for cut-through traffic. Arterial streets link major commercial, residential, industrial and institutional areas.

The City of Tualatin designates SW 65th Avenue as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

Following are the trip generation estimates, provided by Kittelson & Associates, Inc based on Trip Generation, 7th Edition:

Land Use	ITE Code	Size	Estimated Trip Generation					
			Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

TDC 1.032 Burden of Proof (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Because the proposed land use action will result in an amendment to the City of Tualatin's zoning map, Section 660-012-0060 of the State's Transportation Planning Rule applies. Division 12 of the State's Transportation Planning Rule (OAR 660-012) gives the Oregon Department of Land Conservation and Development (DLCD) and the City of Tualatin the power to interpret and implement Statewide Planning Goal 12 (Transportation). Section 660-012-0060 of the TPR provides specific language on how to deal with amendments to adopted plans and land use regulation.

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

(a) Change the functional classification of an existing or planned transportation facility

(b) Change standards implementing a functional classification system

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Based on the results presented in the Memorandum – Transportation Planning Rule Analysis, Kittelson & Associates believes the proposed zone change satisfies all of the requirements set forth in the TPR.

TDC Section 1.032 Burden of Proof: (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Based on TDC Map 9-4 the site is located in the IN (Inner Neighborhood) Design Type.

The submitted Supplemental Information states "this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario".

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal.

As part of the development agreement, the applicant has proposed constructing improvements to the SW 65th/SW Sagert intersection & the SW 65th/SW Borland Road intersection which will meet the criteria of TDC 1.032 (8).

Comments Received:

No comments were received from Washington County or Clackamas County regarding the proposed Plan Map Amendment.

We received comments from ODOT on October 27, 2009 requesting additional information before they can make a determination on the potential effect on the I5/Nyberg interchange.

Additionally, we received a second comment letter from ODOT on January 14, 2010 regarding the ability to use conditional use when evaluating TPR impacts on ODOT facilities.

Please let me know if you have questions, I can be reached at extension 3036.

From: STACY CRAWFORD
Sent: Wednesday, October 21, 2009 10:16 AM
To: Will Harper; Doug Rux; Sherilyn Lombos
Subject: FW: Meridian Park Hospital Plan Map Amendment Courtesy Notice

I received this comment.

Stacy

From: Marie Fromme [mailto:mfromme1@yahoo.com]
Sent: Wednesday, October 21, 2009 10:10 AM
To: STACY CRAWFORD
Subject: Re: Meridian Park Hospital Plan Map Amendment Courtesy Notice

Thank you for your email message regarding the change in zoning for the property east of the Meridian Park Hospital. If I understand this message correctly, you would like to change the single housing plats to land use for hospital expansion instead. We fully support this change.
Marie and Donald Fromme

--- On Wed, 10/21/09, STACY CRAWFORD <SCRAWFORD@ci.tualatin.or.us> wrote:

From: STACY CRAWFORD <SCRAWFORD@ci.tualatin.or.us>
Subject: Meridian Park Hospital Plan Map Amendment Courtesy Notice
To: "Adam Pettitt" <tallperson23@yahoo.com>, "Agnela and Philip Hansen" <AHAN618@aol.com>, "Alan Somervell" <somervell@Verizon.net>, "Alice Gydesen" <gydesenfamily@comcast.net>, "Alisha Coppedge" <alishadyan@gmail.com>, "Angela Wrahtz" <angela.wrahtz@comcast.net>, "Anthony Caflen" <webmaster@foxhillsoregon.com>, "Anthony Laflen" <anthony@cnwre.com>, "Barbara Archer" <barcher1@email.phoenix.edu>, "Becky Luther" <becky.luther@comcast.net>, "Bev Marlett" <bevmarlett@verizon.net>, "Bill and Joy Wilson" <williamewilson@comcast.net>, "Bob Dove" <Bob_dove@mentor.com>, "Brad Helm" <brad.helm.77@comcast.net>, "Brian" <stephenson5635@comcast.net>, "Briana Currey" <bkcurrey2002@yahoo.com>, "Bryan and Dianne Yates" <banddy8s@comcast.net>, "Burton Silverman" <burtonsilverman@comcast.net>, "Chad Sourthards" <scourthards@hotmail.com>, "Charles Brod" <cubrod@gmail.com>, "Cheri Collins" <collinscsk@msn.com>, "Cheri Emahiser" <cemahise@earthlink.net>, "Chris Pries" <jetmoney737@gmail.com>, "Christen Depweg" <cjkdepweg@verizon.net>, cindy.oubre@verizon.net, "Dana Terhune" <dmterhune@verizon.net>, "Danielle Ricca" <danielle@cincodeesign.com>, "Dave and Diane Burnette" <BBdaveburnette@cs.com>, "Derek Plank" <dplank@meacon.com>, "Diana Gowen"

Will Harper

From: Will Harper
Sent: Wednesday, January 13, 2010 11:27 AM
To: Dayna Webb; Kaaren Hofmann
Cc: Doug Rux; Brenda Braden
Subject: Legacy Development Impacts on SW 65th Ave.

Tuesday afternoon, the Mayor & Councilor Harris requested information on the following LMPMC and LHS Grimitt Property MC development scenarios:

1. LMPMC full build-out impacts on SW 65th Avenue. Would LMPMC development trigger SW 65th, SW Nyberg & SW Borland improvements?
2. Add Grimitt/LHS Property Full Build-out. What are added impacts to SW 65th and are improvements triggered?

Please help us respond ASAP. We will either reply to LO and JH directly or incorporate the info into the Development Agreement and staff report. If this leads to SW 65th dedication & improvement provisions in the LHS DA, we will have to continue to update Larry Hill and Kittelson.

Also, Councilor Barhyte continues to ask about making SW 65th Avenue as the primary ingress/egress access for the LMPMC + Grimitt campus with corresponding improvements to SW 65th to accommodate the traffic volumes from I-5 and the turning movements into LMPMC. We need to be able to provide information about the transportation system implementation and physical street & intersection improvements that become necessary with this scenario.

All of this is pinching the Development Agreement and may make it difficult to have the DA ready for the 1-25 Council meeting to go with the PMA.

William Harper, AICP
Associate Planner
Community Development Department
Planning Division
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092
Direct 503-691-3027 FAX 503-692-0147
Email wharper@ci.tualatin.or.us

Will Harper

From: Mark Vandehey [MVANDEHEY@kittelsohn.com]
Sent: Friday, January 15, 2010 3:42 PM
To: Will Harper
Cc: Dayna Webb
Subject: RE: Meet to discuss LHS PMA and DAgreement

That will work Will. We will bring us much information as we can.

Mark

From: Will Harper [mailto:WHARPER@ci.tualatin.or.us]
Sent: Friday, January 15, 2010 3:38 PM
To: Mark Vandehey
Cc: Dayna Webb
Subject: Meet to discuss LHS PMA and DAgreement

Mark: can you or Julia meet with COT Engineering & CDD on Tuesday 11am to

1. Comparison of SW Borland Rd ½ street (5 lanes), SW65/Sagert Intersection & SW 65th Avenue improvement costs. TDT eligibility.
2. Discuss SW 65th improvement constraints and the minimum improvements needed to improve capacity and operation of street (2 more lanes, additional ROW, new bridge, steep bank on east with retaining walls, multiple turn lanes & signal at LMPMC north access, impacts on existing development including 7-11, CWS Pump Station, Whitney Bldg parking & access, Residential access).
3. Discuss ODOT position on TPR analysis and responses.

Your traffic numbers and costs from the TSP on SW 65th and cost estimates on SW Borland and SW65th/Sagert will be helpful.

William Harper, AICP
Associate Planner
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18880 SW Martinazzi Avenue
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Please consider the environment before printing this email.

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Will Harper

From: STACY CRAWFORD
Sent: Wednesday, October 21, 2009 8:20 AM
To: Adam Pettitt; Agneta and Philip Hansen; Alan Somervell; Alice Gydesen; Alisha Coppedge; Angela Wrahtz; 'Anthony Caflen'; Anthony Laflen; Barbara Archer; Becky Luther; Bev Marlett; Bill and Joy Wilson; 'Bob Dove'; Brad Helm; Brian; Briana Currey; Bryan and Dianne Yates; Burton Silverman; Chad Sourthards; Charles Brod; Cheri Collins; Cheri Emahiser; Chris Pries; Christen Depweg; 'cindy.oubre@verizon.net'; 'Dana Terhune'; Danielle Ricca; Dave and Diane Burnette; Derek Plank; Diana Gowen; Don Fromme; Donna Barton; 'Doug and Marjene Freiley'; 'Doug Rassmussen'; Gail Patterson; Heidi Bowen; 'Hilary Bissell'; 'Janice Dove'; Jeffery McCulloch; Jessica Wilson; Jim and Julie Fisher; Jim Belan; John Biniewski; John Gardner; Jon Hinrichs; Julie Park; 'Julie Sepp'; Karen Faus; Kathy McCulloch; 'Kevin'; Kevin Miskimins; Kimberly Hultgren; Kimberly Williams; 'Kip Aszman'; 'Kristi Allen'; 'Laurel Aszman'; Lee Williamson; 'LuAnne WELLS'; Mann Tong; Marie Fromme; Michelle Stevens; Miriam Pinoli; Molly Schray; Nancy Heck; Randy Johnson; Randy Leonard; Renee Balsiger; Robert Spadling; Robin Monahan; Roger Nilsen; Ronn Rhodes; Roy Hanash; Sally Ackley; Sharon Erkson; 'Sherri Hauke'; Shirley O'Neil; Staci Ball; Stecy James; Steve Balsiger; Steve Bourque; Steve Otos; Steve Stewart; 'suewilcock@gmail.com'; Susan James; Susanne Nelson; 'tallie@macadamsbarandgrill.com'; 'Teri Smith'; 'Terrie Petersen'; 'the5blocks@yahoo.com'; Thor and Judy Thorson; Tim Thornburg; 'Tobi O'Neil'; Todd Graves; 'Tom and Debra Conchuratt'; Tony Ricca; Tori Alderman; Tyler Brown; 'Valeri Cottrell'; 'waltw51@comcast.net'; 'wanalawn@verizon.net'
Cc: gabdevs@teleport.com; Sherilyn Lombos; Doug Rux; Will Harper
Subject: Meridian Park Hospital Plan Map Amendment Courtesy Notice
Attachments: Legacy MPH Vicinity Aerial.pdf; PMA-09-03 Notice of Hearing.pdf

101 Addresses
by 10-26-09

Tualatin Residents:

This email message is from the City of Tualatin Community Development Department regarding Plan Map Amendment PMA-09-03. This message is being provided as a courtesy notice to residents in the east Tualatin area in addition to the City's required notification of property owners within 300 ft. of the proposed land use action.

On November 9, 2009, the Tualatin City Council will hold a public hearing to consider a request by Legacy Health Systems to change the Planning District designation (zoning) of the undeveloped 19.6 acre property east of Legacy Meridian Park Hospital from Low-Density Residential (RL) to Medical Center (MC). The addresses of the property are 6001, 6021, 6031, 6041 SW Borland Road. A pdf format copy of the Notice of Hearing for Plan Map Amendment PMA-09-03 and a Vicinity Map are attached to this message.

The (existing) RL Planning District allows detached single-family residential dwelling development as a permitted use and allows a hospital as a conditional use (subject to City Council approval). The MC Planning District which currently encompasses the Meridian Park Hospital campus allows various hospital and healthcare service uses including a primary care hospital, medical and healthcare professional offices, clinics and laboratories and supporting retail commercial uses (pharmacy, small bank or credit union branch, gift store, salon, etc.) as permitted uses. The MC District also allows residential facilities such as congregate care, assisted living, nursing and convalescent homes as permitted uses.

Changing the designation on 19.6 acres to MC would allow the Meridian Park Hospital campus to expand with buildings, parking and landscaping onto the Legacy Health Systems property in the future, subject to the specific list of allowed uses, minimum lot size and setback provisions, and building height provisions of the MC Planning District.

As a resident or property owner in the Fox Hills, Sequoia Ridge and Venetia residential neighborhoods that border the Legacy Health Systems property on the east and south, you are invited to comment on the proposed change to the MC Planning District or to testify before the City Council at the November 9 public hearing. A copy of the PMA-09-03 application is available on the City's Web site at: <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning/>.

Email, letter or fax comments will be accepted through Friday November 6 at Noon, to allow for the comments to be provided to the City Council prior to the public hearing. A copy of the PMA-09-03 Staff Report to the City Council will be available on Monday, November 2. You can download the e-packet for the November 9 Council Meeting at the following link: <http://www.ci.tualatin.or.us/government/CouncilPackets.cfm>.

If you have questions about this message or the proposed PMA-09-03, you may contact the Community Development Department at the following addresses: drux@ci.tualatin.or.us.

Cordially,

Doug Rux
Community Development Director

CITY OF TUALATIN
Community Development
18880 SW Martinazzi Avenue
Tualatin, OR 97062
Direct: (503) 691-3018
Fax: (503) 692-0147

DISCLAIMER: This email is a public record of the City of Tualatin and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

Doug Rux

From: coolican2307@comcast.net
Sent: Saturday, October 31, 2009 12:41 PM
To: Doug Rux
Cc: Sherilyn Lombos
Subject: Public Hearing PMA 09-03

I would like the following comments included in the record regarding the proposed amendment to Community Plan Map (PMA-09-03).

1. Is granting the plan map amendment in the public interest?

No determination can be made regarding this criteria. Legacy has made it clear that no plans exist for the development of this property. It is conjecture and not in the best interest of the community to assume that whatever Legacy or another owner may decide to do is in the public interest. LHS most pressing campus issue today is parking. It's not clear that a series of parking garages and the necessary street access that would be required meets even Legacy's definition "to best serve the health needs of the public".

2. Is the public interest protected granting the plan map amendment at this time?

No determination can be made regarding this criteria.

Again, Legacy claims there are no building plans at this time. How can it be argued that handing Legacy a blank check regarding such a rezoning appeal is in the community's best interest? It is disingenuous on the part of Legacy to make such an assertion. The result of this request by Legacy would be to prevent public discourse on their building plans. Their offering of "Trust Us" we'll do the right thing for the community, is not acceptable. We have no guarantees from LHS or whomever may own this property in the future. Our protection is our ability to require the owner to present explicit information on plans in an open forum before granting a rezoning request.

Granting this request would be a misuse of the public trust and should be rejected by council.

Sincerely,

Mark Coolican
19050 SW Mobile Pl
Tualatin, OR

To: Community Development Department
From: Janice Dove, 19135 SW Mobile Pl., Tualatin OR 97062
Re: Meridian Park Hospital Zone Change, Tax Map 21E 19C, Tax Lots 1700 & 2000

Without any plan for this property, besides a zone change to MC, it's hard to comment. So at this time I only have two concerns about the effects of what could happen if the property was built out as a medical use.

1. If the roads adjoining the property (Joshua, Wichita, Nachez) are connected as through streets, I have concerns about the additional traffic that would travel through the Fox Hill neighborhood. With the recent approval of the Stafford Hills Racquet & Fitness Club (SHRFC) traffic increase, I would ask that the city consider not extending the above streets so that no additional commercial traffic will come through a residential neighborhood.
2. When the property eventually has buildings and parking lots built, I have concerns about the water runoff. With the recent approval of the SHRFC build-out to pave over the property directly below the Hospital, water runoff down to Nyberg Lane is already a concern. If mass amounts of impervious surface are added to the hospital property, the below properties (including mine) and Nyberg Lane will be impacted to an even greater extent than they are now.

Thank you for considering these concerns.

ATTACHMENT J

PMA-09-03

Paul Sivley-Tualatin Planning Advisory Committee (Acting Chairman) -Questions for Applicants and Staff-

In an October 6 email message, Paul Sivley provided the following questions for consideration at the October 8, 2009 Tualatin Planning Advisory Committee Meeting regarding the proposed PMA-09-03. Responses to questions that are best answered by Staff follow individual questions. Other questions were preliminarily answered by the Applicants in an October 7, 2009 email and listed below.

1) Why not wait to grant the zoning change until we see a development plan? At this point, we don't have a clue what they want to put where. Or at least wait until they have the first couple buildings planned. Rezoning now seems to reduce our leverage on the project somewhat in terms of conditional use, project sizing, etc. I know we can get some sense of the "worst case" development on the site via our setback, height, etc requirements, but wouldn't it be more logical to wait until they have some plans so we can really assess with some accuracy actual project impact on traffic, noise, visibility, height, etc issues?

Applicant Response. Legacy wants to be sure that the entire parcel of land that is already purchased and adjacent to the existing campus will be available for medical center development regardless of the outcome with Metro about the amount of land Tualatin needs to have available to meet housing targets.

Staff Response. Tualatin uses a "one map system" that combines a "Comprehensive Plan" and a "Zoning Map" into one Map 9-1, showing the location and designation of all property within Tualatin's Planning Area. The Plan Map Amendment process is focused on consideration of the change in Planning District at the "Plan" level and consideration of the uses and physical development issues are in land use decisions such as Conditional Use, Subdivision, Partition and Architectural Review. The Plan Amendment level will look at "worst case" scenarios, but is not intended to assess specific "impact" issues of a particular development.

2) Can we quantify how "the setback and height standards of the MC designation explicitly require more buffering to the adjacent property giving more certainty to existing adjacent residential uses"? (pg.1 staff report)

Applicant Response We will bring display boards showing height and setback lines in plan view for both RL and MC designations. Of particular note, MC allows no building within 50 feet of zoning line boundary, an allowed use in RL can be 10-15 feet of property line and a conditional use can be setback no more than 50 feet; also allowed and conditional uses can be 35 feet high at the setback line, conditional uses can be 75 high when setback 1.5 times this height from property lines, height at 50 foot setback in MC is 25 feet, 45 feet at 100 to 300 feet, and 95 feet high at 300 feet setback.

3) "Improvements directly related to development of the subject property appear to be possible using exiting right of way and possibly hospital owned property depending on actual survey of the property line" (pg 3 staff report). The terms "appear to be possible" and "possibly hospital" reinforce my concern that we are taking action on zoning with a lot of uncertainty about what will be built and the impact of the development. Can we eliminate the uncertainties in this statement in the staff report?

Applicant Response First it is important to remember that the improvements needed for future development of the property are the same for both the existing and proposed zoning (refer to the Kittelson memos). Second, the improvements needed in the future would be determined based on the "actual" development proposal, which would likely be significantly less than the "reasonable worst case" scenarios assumed in the Kittelson memos. However, if future development (under either the existing or proposed zoning) occurred to the level anticipated under the "reasonable worst case" scenarios, the transportation improvements that would be likely be needed could be accommodated within a combination of the existing Row or Row owned by Legacy.

4) "Worst case" development would add 250,000 sf of office space. What's the current sf already built and in place at Meridian?

Staff Response. Records show the Legacy Meridian Park Medical Center has approximately 419,000 sq. ft. of building area.

5) The traffic analysis notes an increase from medical development vs residential over about 1300 trips, pm and am peak. Yet only two sites suffer worsened LOS results? Seems like a fair amount of new traffic.

Applicant Response. The LOS results shown in the Kittelson memo are correct. A few points are worth noting. The largest increase was in the p.m. peak hour when the "reasonable worst case" scenario resulted in an increase of 830 additional trips (not 1,300). When assessing impacts to individual intersections the 830 trips is a combination of entering and exiting trips. Further, traffic is distributed in multiple directions (some coming to/from I-5, I-205, SW 65th, SW Sagert, etc). As a result, no one intersection experiences the full increase in site-generated traffic.

6) Table 2 in the traffic report seems misleading to me, as the middle column "existing zoning w/med office dev" takes into account medical office development is a secondary allowed option under current zoning. I'm not sure of the value of that one column vs the other 2.

Applicant Response. Since the focus of the transportation evaluation should be on the impact of the zone change, we felt it would be more misleading to simply compare the existing zoning (with residential development) to the proposed zoning (with medical office). As indicated earlier in the Kittelson memo, the "reasonable worst case" scenario for both the existing and proposed zoning is the same. The second column in table 2 simply reinforces that point.



Metro | *People places. Open spaces.*

November 20, 2009

**CITY OF TUALATIN
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NOV 24 2009

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

Doug Rux
Community Development Director
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97082

Dear Mr. Rux:

Metro staff reviewed the material concerning PMA-09-03, an ordinance changing the planning district designation from Low-Density Residential (RL) to Medical Center (MC) for land located on SW Borland Road. As you know, Title 1 of the Urban Growth Management Functional Plan (Metro Code 3.07.120) requires cities to provide at least the housing capacity specified in Table 3.07-1.

According to the city's Analysis and Findings (Attachment F), this zone change could affect the city's ability to meet Table 1 dwelling unit capacity. To comply with Title 1, the city must demonstrate that this zone change will not reduce the city's dwelling unit capacity in Table 1. Please submit to Metro an analysis that documents how the city will maintain the dwelling unit capacity of Title 1 Table 1. I make this request on behalf of the Chief Operating Officer pursuant to Metro Code section 3.07.820A which states that "the Chief Operating Officer may request, and if so the city or county shall submit, an analysis of the compliance of the amendment with the functional plan."

If you have any questions, please contact Dick Benner, Richard.Benner@oregonmetro.gov, (503) 797-1532 or me, Sherry.Oeser@oregonmetro.gov, (503) 797-1721.

Sincerely,

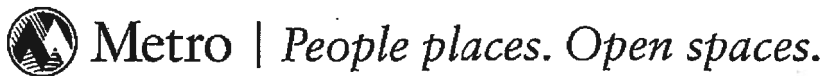
A handwritten signature in cursive script that reads "Sherry Oeser".

Sherry Oeser
Principal Regional Planner

c: Councilor Carl Hosticka, District No. 3
Robin McArthur, Planning & Development Director

600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax

www.oregonmetro.gov



January 21, 2010

William Harper
Community Development Department
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062-7092

Dear Mr. Harper:

Metro staff reviewed Attachment F of PMA-09-03: Analysis and Findings for the proposed request to change the zone from Low-Density Residential (RL) to Medical Center (MC) for land located on SW Borland Road. We have concluded that this zone change could reduce the City of Tualatin's dwelling unit capacity as defined by Title 1 and displayed in Table 1 of the Urban Growth Management Functional Plan (Metro Code 3.07).

As you know, Title 1 of the Urban Growth Management Functional Plan (Metro Code 3.07.120) states that each city is required to determine its capacity for housing and to "ensure that it provides and *continues to provide*" at least the capacity for the city as specified in Table 3.07-1 (emphasis added). Metro staff understands that the City is undertaking other planning projects such as a town center plan and a Highway 99W corridor plan that could accommodate higher density residential development to offset this potential reduction. Based on the City's commitment to complete these planning efforts, Metro will not object to the request for a zone change embodied in PMA-09-03.

Metro stands ready to assist the City in your efforts to achieve your aspirations.

Sincerely,

Sherry Oeser
Principal Regional Planner

c: Councilor Carl Hosticka, District No. 3
Michael Jordan, Chief Operating Officer
Robin McArthur, Director, Planning and Development Department



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation
CITY OF TUALATIN
RECEIVED
JAN 14 2010
Region 1
123 NW Flanders Street
Portland, OR 97209-4037
503.731.8200
FAX 503.731.8259

COMMUNITY DEVELOPMENT
PLANNING DIVISION

January 14, 2010

City of Tualatin Community Development Dept
Planning Division
18880 SW Martinazzi Avenue
Tualatin, OR 97062

ATTN: Will Harper, Associate Planner

RE: PMA-09-03: Amend TDC Community Plan Map 9-1 Changing RL (Low-Density Residential) Planning District Designation to (MC) Medical Center

Dear Mr. Harper,

ODOT has concerns regarding the City of Tualatin's interpretation of the Transportation Planning Rule section 060 (TPR, OAR 660-012-0060(2)) concerning plan amendments. In the Legacy Meridian case, the applicant is proposing to rezone a 20 acre parcel of land from R7 Residential to MC Medical Center. The City has determined that the "likely" use of hospital which is allowed as a conditional use in the R7 zone can be assumed for the reasonable worst case comparative traffic analysis between the uses in the R7 zoning and the MC zoning. The Kittelson traffic memo dated October 1, 2009 argues that hospitals are a conditional use under R7 zoning and are therefore the reasonable worst case "allowed" under the current zoning. However, transportation system plans typically utilize uses allowed *outright* for analysis purposes and conditional uses and associated traffic are not accounted for in future traffic projections within these plans.

In addition, a conditional use decision would apply to a specific development and not the parcel as a whole. In this case, the City may approve a single medical office building as a conditional use if there are adequate facilities, but this would not assure that a second, third, or fourth medical office building would be approved at some time in the future. By changing the zoning to MC the City would be implicitly approving these future developments without regard to the standard of adequacy called for under a conditional use approval or TPR analysis. Therefore, ODOT does not consider conditional uses appropriate for the purpose of traffic analysis in making TPR findings and requests that the City require further traffic analysis. LUBA has found that under the TPR local governments must evaluate the traffic generation of the reasonable worst case "allowed" land uses rather than "likely" or "proposed land uses" to make findings of no significant effect (*Mason v. City of Corvallis and Pahlisch Homes*, 49 OR LUBA 199 (2005), *Griffiths v. City of Corvallis and Group Mackenzie*, 50 Or LUBA 588 (2005)). ODOT does not consider conditional uses "allowed", and local governments should be consistent with the LUBA decision in applying TPR 060.

In particular, ODOT is concerned with the southbound off-ramp at the I-5/Nyberg Rd interchange. Recent traffic studies for plan map amendments near this interchange (PMA09-02:

Waterman Zone Change, PMA08-03: Nyberg Lodge) have shown that peak hour traffic will be approaching the volume-to-capacity (v/c) mobility standard of 0.85 v/c in the future. ODOT requests that the City require the applicant to conduct a TPR analysis for this specific location. The analysis should apply the highway mobility standard of 0.85 v/c ratio identified in the Oregon Highway Plan (OHP) over the planning horizon in the adopted local transportation system plan of the area or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2). If the proposed zone change causes the ramp to exceed the v/c ratio, the applicant must conduct a queuing analysis to show that the proposal will not cause queues that exceed storage and deceleration distances and contribute to potential safety problems on I-5 in order to show "no significant effect". Please direct the applicant to contact ODOT traffic analyst Doug Baumgartner at 503-731-8225 for questions regarding the TPR analysis.

Seth Brumley



Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic

ODOT Case No:



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

ODOT Case No: 1284

October 26, 2009

Will Harper
City of Tualatin
18880 SW Martinazzi Ave
Tualatin, OR 97062

Attn: Will Harper, Associate Planner

Re: PMA-09-03: RL Change to MC
I-5 / SW Nyberg St Interchange

Dear Mr. Will Harper,

We have reviewed the applicant's proposal to amend TDC Community Plan Map 9-1 changing a 20 acre parcel from Low-density Residential (RL) planning district designation to Medical Center (MC). The site is in the vicinity of the I-5 / SW Nyberg St Interchange. ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified an Interstate Highway and the performance standard on ramp terminals is 0.85 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

The applicant provided a traffic memo prepared by Kittelson & Associates dated August 21, 2009. The memo presented the argument that the "reasonable worst case" development scenario for the proposed zoning is equivalent to the existing zoning because Hospitals are a conditional use under the existing zoning. However, transportation system plans typically utilize allowed uses for analysis purposes and conditional uses have a higher level of adequacy criteria, therefore it is common practice not to utilize conditional uses for "reasonable worst case scenarios" in traffic analysis for TPR findings. ODOT does not consider conditional uses appropriate for the purpose of traffic analysis in making TPR findings.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT staff requested further analysis including a comparison between the land use with the highest trip generation rate allowed outright under the proposed comp plan designation

2

(Medical Center) with the land use with the highest trip generation rate allowed outright under the existing comprehensive plan designation (low-density residential).

Kittelson provided a follow-up traffic memo dated October 1, 2009, which compared the trip generation from 94 Single Family Residential units with 250,000 sq ft of Medical Office. The analysis showed a net increase of 830 trips in the weekday PM peak hour. This is a substantial amount of additional trips and ODOT can not currently make a determination of no significant effect. Therefore, ODOT requests additional analysis to determine the potential effect on the I5/Nyber interchange.

1. The analysis should focus on both I5/Nyberg St ramp terminals including queuing analysis.
2. The analysis can rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - local/county capital improvement plans (CIP),
 - financially constrained Regional Transportation System Plan (RTP)
 - Washington County Major Streets Transportation Improvement Program MSTIP. (OAR 660-012-0060)
3. The analysis should apply the 0.85 highway mobility standard (volume-to-capacity ratio) identified in the OHP over a planning horizon of the adopted local transportation system plan or 15 years from the proposed date of amendment adoption, whichever is greater (OHP Action 1F2).
4. In situations where the highway facility is operating above the OHP mobility standard and transportation improvements are not planned within the planning horizon to bring performance to standard, the performance standard is to avoid further degradation. If the comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).

Prior to commencing the TIS, the applicant should contact Doug Baumgartner, ODOT Region 1 Traffic Analyst at (503) 731-8225 to obtain ODOT concurrence with the scope of the study. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8234.

Sincerely,



Seth Brumley
Development Review Planner

C: Doug Baumgartner, ODOT Region 1 Traffic

Chapter 56

Medical Center Planning District (MC)

Sections:

- 56.010 Purpose.**
- 56.020 Permitted Uses.**
- 56.030 Conditional Uses.**
- 56.040 District Size.**
- 56.045 Lot Size for Conditional Uses.**
- 56.050 Distances From Structures to MC District Boundaries and Setbacks.**
- 56.070 Structure Height.**
- 56.080 Special Standards.**
- 56.090 Special Standards.**
- 56.100 Access.**
- 56.110 Off-Street Parking and Loading.**
- 56.120 Floodplain District.**
- 56.130 Greenway and Riverbank Protection District.**
- 56.140 Community Design Standards.**
- 56.150 Landscape Standards.**

Section 56.010 Purpose.

The purpose of this district is to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff.

Section 56.020 Permitted Uses.

No building, structure or land shall be used, except for the following uses when conducted wholly within a completely enclosed building, except for utility facilities and wireless communication facilities, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business:

(1) Medical center:

(a) hospital, including but not limited to diagnosis and treatment of sick and injured persons on an inpatient and outpatient basis; surgical, emergency, laboratory, imaging, pharmacy and physical therapy services; and facility maintenance, laundry, worship, food service and administrative functions,

(b) offices of physicians and dentists,

(c) offices and clinics of allied health care providers, including but not limited to nurse practitioners; midwives; dietitians; psychologists; opticians; physical and occupational therapists; occupational health/safety specialists; substance abuse counselors; chiropractors; and wellness centers including physical fitness facilities, nutritional counseling, health maintenance and rehabilitation services,

(d) durable medical goods sales and rentals,

(e) nursing school and other medical training facilities,

(f) nurses' and house staff physicians' housing,

(g) medical and dental laboratories,

(h) medical and dental related research laboratories and testing facilities,

(i) medical and dental non-profit educational, charitable and research organizations and facilities,

(j) congregate care facilities, assisted living facilities and residential facilities in accordance with §56.080,

(k) nursing and convalescent homes,

(l) community meeting facilities, and

(m) parking lot, parking structure, or underground parking.

(2) Supporting retail and service uses for the convenience of patients, patient visitors, staff physicians and on-site employees, subject to the requirements of §56.090:

(a) bank branch/automatic teller machine not greater than 1000 square feet of gross floor area,

(b) barber/beauty shop not greater than 750 square feet of gross floor area,

(c) child day care center not greater than 4000 square feet of gross floor area,

Tualatin Development Code

(d) credit union not greater than 1000 square feet of gross floor area,

(e) fitness center not greater than 15,000 square feet of gross floor area,

(f) florist/gift shop not greater than 750 square feet of gross floor area,

(g) pharmacy not greater than 2000 square feet of gross floor area, and

(h) restaurant/delicatessen/coffee shop not greater than 1500 square feet of gross floor area.

(3) Sewer and water pump stations, pressure reading stations. §30, passed Nov. 25, 1991; Ord. 920-94 §16, passed April 11, 1994;

(4) Wireless communication facility attached.

(5) Other uses of similar character, found by the Planning Director to meet the purpose of this district, as provided by TDC 31.070.

(6) Transportation facilities and improvements. [Amended by Ord. 849-91 §29 & Ord. 965-96 §63, passed Dec. 6, 1996; Ord. 1026-99 §71, passed Aug. 9, 1999.] (Ord. 1103-02, Amended, 03/25/2002)

Section 56.030 Conditional Uses.

The following uses are permitted as a conditional use when authorized in accordance with TDC Chapter 32, and provided retail uses on land designated Employment Area, Corridor or Industrial Area on Map 9-4 shall not be greater than 60,000 square feet of gross floor area per building or business.

(1) Helipad.

(2) Electrical substation.

(3) Natural gas pumping station.

(4) Water reservoir.

(5) Wireless communication facility.

[Amended by Ord. 965-96 §64, passed Dec. 6, 1996; Ord. 1026-99 §72, passed Aug. 9, 1999.]

Section 56.040 District Size.

The minimum MC District size shall be 25 acres.

Section 56.045 Lot Size for Conditional Uses.

Except as otherwise provided, the lot size for a conditional use under TDC 56.030 is as follows:

(1) The minimum lot area shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(2) The minimum average lot width shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(3) The minimum lot width at the street shall be established through the Subdivision, Partition or Lot Line Adjustment process.

(4) For flag lots, the minimum lot width at the street shall be sufficient to comply with the minimum access requirements contained in TDC 73.400(8) to (12), except as established through the Subdivision, Partition or Lot Line Adjustment process. [Added by Ord. 965-96, Sec. 65, passed Dec. 9, 1996.]

Section 56.050 Distances From Structures to MC District Boundaries and Setbacks.

(1) The minimum distance from a property line which abuts a MC District Boundary to any structure in the MC District shall be no less than 50 feet.

(2) Setbacks from property lines within the MC District that do not abut a MC District Boundary shall be determined through the Architectural Review process.

(3) Off-street parking and vehicular circulation areas in the MC District shall be set back a minimum of 10 feet from any public right-of-way or property line which abuts a MC District boundary. Off-street parking and vehicular circulation areas shall be setback a minimum of 5 feet from any property line within the MC District that does not abut a MC District boundary, except as determined through the Architectural Review process. (4) No fence shall be constructed within 5 feet of a public right-of-way.

(5) Setbacks for a wireless communication facility shall be established through the Architectural Review process, shall consider 73.510, shall be a minimum of 50 feet to a property line which abuts an MC District boundary, and shall be set back from an RL District, or an RML District with an approved small lot subdivision, no less

than 175 feet for a monopole that is no more than 35 feet in height and the setback shall increase five feet for each one foot increase in height up to 80 feet in height, and the setback shall increase 10 feet for each one foot increase in height above 80 feet. [Amended by Ord. 862-92, Sec. 35, passed March 23, 1992; Ord. 904-93, Sec. 40, passed Sept. 13, 1993; Ord. 965-96, Sec. 66, passed Dec. 9, 1996.] (Ord. 1098-02, Amended, 02/11/2002)

Section 56.060 [Repealed by Ord. 862-92, Sec. 36, passed March 23, 1992.]

Section 56.070 Structure Height.

(1) In accordance with TDC 56.050 no structures are permitted within 50 feet of a property line abutting a MC District Boundary.

(2) The maximum height for a structure within the area 50.01 to 100 feet of a property line abutting a MC District Boundary shall be no greater than 25 feet in height above grade.

(3) The maximum height for a structure within the area 100.01 to 300 feet of a property line abutting a MC District Boundary shall be no greater than 45 feet in height above grade.

(4) The maximum height for a structure within the area greater than 300 feet from a property line abutting a MC District Boundary shall be no greater than 95 feet in height above grade.

(5) Notwithstanding (1)-(4) above, flagpoles displaying the flag of the United States of America, either alone or with the State of Oregon flag, shall be no greater than 100 feet in height above grade, except in the area within 50 feet of a property line abutting a MC District Boundary where no flagpole shall be allowed.

(6) Notwithstanding (1)-(4) above the maximum structure height for a wireless communication support structure and antennas shall be no greater than 100 feet. [Amended by Ord. 965-96, Sec. 67, passed Dec. 9, 1996.]

Section 56.080 Special Standards.

Special standards shall apply to congregate care, assisted living and residential facilities [56.020(1)(j)] as follows:

(1) Requirements of the Medical Center District shall be met unless specifically modified by this section.

(2) The building shall be designed or renovated specifically for use as a congregate care, assisted living or residential facility. All State required licenses shall be obtained.

(3) The facilities shall consist of living units with shared areas in accordance with State requirements.

(4) Outdoor walkways shall be paved and lighted and shall not exceed eight (8) percent in grade.

(5) Noise and lighting shall be buffered and screened.

(6) The residential density in the development area shall be no less than 16 and no more than 25 living units per acre. [Amended by Ord. 849-91, Sec. 31, passed Nov. 25, 1991.]

Section 56.090 Special Standards.

Special standards shall apply to supporting retail and service uses [56.020(2)] as follows:

(1) Notwithstanding §56.020 which requires uses to be conducted wholly within a completely enclosed building, a restaurant, delicatessen or coffee shop may include an outdoor eating area, provided the outdoor area consists on an all-weather surface not greater than 900 square feet in gross floor area and screened from public rights-of-way and residential planning districts by a completely sight-obscuring evergreen hedge and/or fence as determined through the Architectural Review process.

(2) Drive-up windows and drive-through services shall not be permitted. Loading and unloading at the vehicle entrance to the emergency room is not a drive-through service.

(3) The use shall have pedestrian access only and, except for emergency access required by the Uniform Building Code and secondary access to outdoor eating areas, it shall be through an interior hall or lobby of the building in which the use is located.

(4) The floor area of one use, or a combination of uses, listed in §56.020(2) in any one building shall not exceed ten (10) percent of the gross floor area of the building.

Section 56.100 Access.

All lots created after September 1, 1979, shall abut a public street, except secondary condominium lots, which shall conform to the access provisions in TDC 73.400 and TDC Chapter 75. Lots and tracts created to preserve wetlands, greenways, Natural Areas and Stormwater Quality Control Facilities identified by TDC Chapters 71, 72, Figure 3-4 of the Parks and Recreation Master Plan and the Surface Water Management Ordinance, TMC Chapter 3-5, as amended, respectively, or for the purpose of preserving park lands in accordance with the Parks and Recreation Master Plan, may not be required to abut a public street. [Amended by Ord. 1026-99

§73, passed Aug. 9, 1999.]

Section 56.110 Off-Street Parking and Loading.

Refer to Chapter 73.

Section 56.120 Floodplain District.

Refer to Chapter 70.

Section 56.130 Greenway and Riverbank Protection District.

Refer to Chapter 72.

Section 56.140 Community Design Standards.

Refer to Chapter 73.

Section 56.150 Landscape Standards.

Refer to Chapter 73.

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:44 AM
To: Doug Rux; Will Harper
Subject: FW: MC Zoning

Sherilyn Lombos
City Manager | Administration



Please consider the environment before printing this email.

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From: Lou Ogden [mailto:lou.ogden@juno.com]
Sent: Monday, March 08, 2010 12:58 AM
To: exploredave@comcast.net
Cc: chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbeikman@verizon.net
Subject: RE: MC Zoning

I understand your feelings about the project and I assure all who attend Monday night will be able to voice their concerns and observe how the council attempts to work through the issues. We are very concerned about the impacts to the neighborhood and again, will work very hard to mitigate those if there is a zone change, and will work very hard to mitigate those if there is not a zone change. If the zone is not changed, the hospital will then need to come back to council for a conditional use permit if they choose to build anything. In either event, I would imagine the council's scrutiny to those impacts and required mitigations would be similar.

However, I do need to set the record straight regarding the athletic club. I am not sure who you suggest rammed it through, as we did not have the authority to tell them to take it to another city, in my opinion. I do know that was disappointing to you and many people.

If you refer to the council as "the inner circle of our Tualatin government" it is completely inaccurate as well as unfair to say we don't care about the voice of the community and that we make "done deals" outside the public forum. If that were the case we wouldn't spend the countless hours we do working and reworking and trying to balance all the issues, we would simply "ram them thru" as you put it. You are certainly free to call us political, but I tell you sir, your accusations are inaccurate. We do work for you even when you don't believe it and when acrimony pervades your email. Your statement that we have a "desire to build", and the planners have something to gain by this is not only in error, but puzzling to me. We do work for you and we do it hour upon hour as volunteers, not as people who "want to degrade" neighborhoods. We do not "play games" and even in spite of your terse accusations of this being "already a done deal -- how about keeping the building scaled down, keep it as far away from the Fox Hills neighborhoods as possible, consider ways to shield the neighborhood from commercial buildings." Those issues as well as the increased traffic, are exactly what we have been working for weeks with the hospital toward a development agreement, and will continue to work on this Monday night at the hearing.

Mr. Hagan, if you honestly want to discuss the Urban Renewal concept and the ROI to the tax payers that we are proposing I would be very pleased to give you all the facts and the anticipated outcomes. If you simply want to toss barbs based upon your assumptions of what that debt is, that is your right, but hardly an objective analysis.

I have lived here for 29 years. When I moved here there was no Fox Hill, no Comanche Woods, no Hedges Creek 1, 2, or 3, no Victoria Woods, no Tualatin High School, no Tualatin Commons, no Hedges Green Shopping Center, etc, and you sir were not taking up the capacity of our streets. I could drive from my house by Byrom to the freeway in less than 5 minutes. And 30 years ago, my house wasn't looking down the hill upon my neighbors to the north and I wasn't taking up space on their streets. Everything that has been built since you and I moved here, has been built on land that was legally

zoned for the purpose, it just hadn't been built yet. However it was already zoned and parceled waiting to build. So for you to come in and now say we caused all that is frankly ignorant of the facts.

As I said, everyone on the council struggles with the impacts of people like the developer of your neighborhood, who own land and have a legal right to build upon it so folks like you and I can move here, work here, shop here. Those decisions were made some 40-45 years ago. So our efforts today are to do everything we can to try to manage and mitigate the impacts of that development. So you may not believe that, you certainly do not appreciate that, and you clearly are unhappy about that. I understand that, and you truly have every right to your emotions. I would ask that you not falsely accuse us of being insensitive to those concerns at best, or at worst, delighting in the effects of that development on all our neighborhoods.

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals
21040 SW 90th Ave.
Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699
lou.ogden@juno.com

From: exploredave@comcast.net [mailto:exploredave@comcast.net]

Sent: Sunday, March 07, 2010 12:03 PM

To: lou.ogden@juno.com; etruax@royalaa.com

Subject: Fwd: MC Zoning

resend

----- Forwarded Message -----

From: exploredave@comcast.net

To: "lou ogde" <lou.ogde@juno.com>, Jay@h-mc.com, Chris@barthe.com, maddux01@verizo.net, etraux@royalaa.com, smbeikman@verizon.net, "joelle d davis" <joelle.d.davis@gmail.com>, slombos@ci.tualatin.or.us

Sent: Sunday, March 7, 2010 11:59:34 AM GMT -08:00 US/Canada Pacific

Subject: MC Zoning

To my Tualatin city government team

I'm sending you this note to advise you of my continued disappointment with your zoning / building decisions as it relates to the Fox Hills area. First it was the athletic club that was rammed through while there were several other options in the Beaverton / Tigard areas... and now it appears your going for the grand slam -- at multi story building parked right next to a our neighborhood. What's next in your agenda for our neighborhood.

I've been to the meetings, and sad to say but I have come to realize the inner circle of our Tualatin government doesn't seem to care about it constituency's voice -- that appears to be the nature of politics these days...

So for the record I am opposed the the new " Medical building" parked at the end of 57th and Nachez. I am unable to attend the meeting due to business travel... in the past my presense in the meetings has not seemed to matter.... If you have to do this and knowing how you folks play the game its surely already a done deal -- how about keeping the building scaled down, keep it as far away form the Fox Hills neighbor hoods as possible, consider ways to shield the neighborhood from commercial buildings.

Ask yourself the question -- would you want this in your backyard or at the end of your street??? Any one of you that answers yes to the question -- please send me an honest response advising why you would want this in your backyard.

Please let me remind you, that you work for us, its time that you listen to the people, other than the contractors, accountants, city planners and those few who benefit from your decisions. Once upon a time I recall Mayor Lou walking around the Tualatin neighborhoods talking to the people and sharing his desire to be the voice of Tualatin...I have not seen Mayor Lou for many years in my neighborhood, the very one (Fox Hills) that he and his associates seem to want to degrade with the continuing decisions to turn suburbs to urban areas.

I've lived here for 15 years and raised my famiy in the once very nice area....Your decisions, your continued desire to build when there are many vacancies in commercial buildings and alternative options now has me considering where I will move in the future.

One last input on the matter of increasing Tualatin's debt to fund programs -- I think its a huge mistake to increase the debit by nearly a factor of 5 during these times. This is the time to be fiscally conservative in accumulating more debt.

Please listen to the people you represent. Please check you conscience when you make these decisons.

Responses welcome -- however I am not interested in political speak, I'd like honest answers.

Tualatin / Fox Hills resident

John Dave Hagan

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:43 AM
To: Doug Rux; Will Harper
Subject: FW: Hospital zone change

Sherilyn Lombos
City Manager | Administration



Please consider the environment before printing this email.

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From: Lou Ogden [mailto:lou.ogden@juno.com]
Sent: Monday, March 08, 2010 1:03 AM
To: 'Hinrichs Family'; chris@barhyte.com; smbeikman@verizon.net; Joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: RE: Hospital zone change

Jon,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals
21040 SW 90th Ave.
Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699
lou.ogden@juno.com

From: Hinrichs Family [mailto:hinrichs1230@verizon.net]
Sent: Sunday, March 07, 2010 9:05 PM
To: lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; Joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; slombos@ci.tualatin.or.us
Subject: Hospital zone change
Importance: High

Hello-

My name is Jon Hinrichs and I have lived in Tualatin for over 7 years and I moved into the Fox Hills neighborhood because of the truly neighborhood feeling, the low traffic, and the safety. Now I hear that the Hospital is asking the city council to change the zoning of the area of land between the Hospital and the Fox Hill neighborhood. This deeply concerns me because with a zone change the hospital will basically have a blank check to build whatever they want on that land; this could be anything from a huge parking lot to a very large office building and would also require access

from the streets Joshua and Nachez within the Fox Hills neighborhood. This would drastically increase the traffic that will be driving through our wonderful neighborhood, and would lower the safety of all the children that walk to and from Bridgeport Elementary or walk to and from the bus stops on a daily basis. Also the property values of the homes in all of Fox Hills would be reduced significantly.

I understand that the hospital owns that land and obviously bought it with expansion in mind and I am not against the hospital building on that land, however the city council SHOULD NOT change the zoning and let the hospital decide what to build on it because the hospital will not care about the impact to the neighborhood. They are a business and will make decisions based on their bottom line, not on what is best for the Fox Hills neighborhood. If the hospital wants to build on the land, the city council should leave the current zoning the way it is and just add conditions to the zoning in order to keep the expansion under control (i.e. limit the height of any new buildings to be no taller than 2 stories and/or a visual buffer (trees) need to be planted between the Fox Hills neighborhood and any new buildings, etc.)

We already are going to have to deal with the new monstrosity tennis center bordering Fox Hills and the increased traffic as all the people from Wilsonville/West Linn will be using 57th Avenue to cut through the Fox Hills neighborhood to access the club. By adding a large scale Hospital expansion (without conditions) on top of this new tennis center, you will be causing a HUGE increase in traffic, thus lowering the safety of the neighborhood and completely eroding away the truly unique Fox Hills neighborhood feeling.

I will be very disappointed in any city council members that vote "yes" to the hospital's proposed zone change.

Thank you
Jon Hinrichs
Fox Hills Resident

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:43 AM
To: Doug Rux; Will Harper
Subject: FW: Rezoning

Sherilyn Lombos
City Manager | Administration



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From: Lou Ogden [mailto:lou.ogden@juno.com]
Sent: Monday, March 08, 2010 1:07 AM
To: 'Paul Pedersen'
Cc: chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbaikman@verizon.net
Subject: RE: Rezoning

Mr. & Mrs. Pederson,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals
21040 SW 90th Ave.
Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699
lou.ogden@juno.com

From: Paul Pedersen [mailto:ppedersen@azambulance.com]
Sent: Sunday, March 07, 2010 2:20 PM
To: lou.ogden@juno.com
Subject: Rezoning

Dear Mayor Ogden:

As Fox Hill residents we urge you to vote NO on rezoning the property between our neighborhood and Meridian Park Hospital. Thank you for your consideration.

Paul and Vanita Pedersen

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:43 AM
To: Doug Rux; Will Harper
Subject: FW: MC zoning

Sherilyn Lombos
City Manager | Administration



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From: Lou Ogden [mailto:lou.ogden@juno.com]
Sent: Monday, March 08, 2010 1:08 AM
To: 'Linda Reid'
Cc: chris@mustardpeople.com; etruax@royalaa.com; jay@h-mc.com; joelle.d.davis@gmail.com; maddux01@verizon.net; Sherilyn Lombos; smbeikman@verizon.net
Subject: RE: MC zoning

Mr. & Mrs. Reid,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals
21040 SW 90th Ave.
Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699
lou.ogden@juno.com

From: Linda Reid [mailto:lreid7@verizon.net]
Sent: Sunday, March 07, 2010 10:27 AM
To: lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com
Subject: Re: MC zoning

Dear City Council,
WE are a resident on S. W. Natchez St. in Tualatin, Oregon.
Just to voice our opinion:
We would be AGAINST the zoning proposed to build office buildings in the space owned by Meridian Park Hospital
Dave and Linda Reid
5399 S. W. Natchez St.
Tualatin, Oregon 97062

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:43 AM
To: Doug Rux; Will Harper
Subject: FW: MERICIAN PARK HOSPITAL ZONE CHANGE

Sherilyn Lombos
City Manager | Administration



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From: Lou Ogden [mailto:lou.ogden@juno.com]
Sent: Monday, March 08, 2010 1:10 AM
To: 'MOLLY SCHRAY'; CHRIS@BARHYTE.COM; SMBEIKMAN@VERIZON.NET; JOELLE.D.DAVIS@QMAIL.COM; JAY@H-MC.COM; MADDUX01@VERIZON.NET; Sherilyn Lombos; ETRUAX@ROYALAA.COM
Subject: RE: MERICIAN PARK HOSPITAL ZONE CHANGE

Ms. Schray,

Thanks for the email and I do understand your concerns. I hope you can make it to the hearing tomorrow night, testify, then listen to all the facts and participate in the resolution of those issues.

Thanks,

Lou Ogden
Resource Strategies Planning Group
Group Benefits & Life, Health, Disability, & Long Term Care Insurance for Businesses and Individuals
21040 SW 90th Ave.
Tualatin, OR 97062
Phone 503.692.0163; Fax 503.914.1699
lou.ogden@juno.com

From: MOLLY SCHRAY [mailto:mollyschray@verizon.net]
Sent: Saturday, March 06, 2010 3:08 PM
To: LOU.OGDEN@JUNO.COM; CHRIS@BARHYTE.COM; SMBEIKMAN@VERIZON.NET; JOELLE.D.DAVIS@QMAIL.COM; JAY@H-MC.COM; MADDUX01@VERIZON.NET; SLOMBOS@CI.TUALATIN.OR.US; ETRUAX@ROYALAA.COM
Subject: MERICIAN PARK HOSPITAL ZONE CHANGE

My name is Molly Schray and my address is 5402 SW Natchez St, Tualatin, Oregon, 97062.

I oppose the Zone change requested by Meridian Park Hospital. I feel that this change would cause a loss of neighborhood livability, decrease property values, and increased traffic. We still do not know the effect on our neighborhood from the tennis court, although increased traffic 57th is a no brainer

I am urging you to vote against the proposed zone change

Thank you so much for your thoughtful consideration of this matter.

Sincerely, Molly Schray

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 8:41 AM
To: Doug Rux; Will Harper
Subject: FW: ZONING CHANGE

Sherilyn Lombos
City Manager | Administration



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From: Greg Shelby [mailto:shelbys5@verizon.net]
Sent: Monday, March 08, 2010 8:33 AM
To: lou.ogden@juno.com; chris@barhyte.com; smgeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; Sherilyn Lombos
Subject: ZONING CHANGE

Ladies and Gentlemen.....

We will not be able to attend tonight's council meeting.....therefore allow us this e-mail communication.

We have lived on Calusa Loop since 1987. Our property backs onto the property in question. We selected our home because of the beautiful wooded area we look upon each day. Now we face the potential of looking at a 95 foot building!

My fellow citizen of Tualatin....Livability and property values are at stake here. You have all worked hard for those values here in Tualatin. I'm now urging you to do so again....

PLEASE **vote NO** on the request to change the zoning to allow my precious view to become a stark and imposing medical complex.

Thank you for keeping Tualatin livable for ALL of US.

Greg and Cheryl Shelby
5731 SW Calusa Loop

Will Harper

From: Sherilyn Lombos
Sent: Monday, March 08, 2010 10:22 AM
To: Doug Rux; Will Harper
Subject: FW: Meridian Park Hospital Zone Change Meeting 3/8/10

Importance: High

Sherilyn Lombos
City Manager | Administration



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From: Faus, Karen [mailto:KFaus@columbia.com]
Sent: Monday, March 08, 2010 9:57 AM
To: lou.ogden@juno.com; chris@barhtye.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Cc: Faus, Karen
Subject: Meridian Park Hospital Zone Change Meeting 3/8/10
Importance: High

Hi:

I am a resident in Fox Hill, living on the dead end street on Natchez. I am not sure I will be able to make the zone change meeting tonight and wanted to express my opposition to allowing the zone change from low-density residential to medical. We do not need our street to be a thoroughfare for traffic from the hospital, nor do we want to look at office buildings when we are in our yard and driving to our homes. It has been mentioned the potential for thousands of additional cars per day and using Natchez as a through street will not work.

You let us down by allowing the tennis club to be built even though when we built our house in 1986 and checked with the city, we were told in no uncertain terms that nothing could ever be built on that land as it is 100 year flood plain – PERIOD. In your quest for more money, you do not seem to care. This club will be bringing in more traffic also and the congestion will be unlivable.

I also hope you realize that if you allow the zoning change, property values will decline immensely as no one will want to buy homes in the 1st, 2nd and 3rd phases of Fox Hill when they have to look at large hospital buildings everyday and put up the noise and pollution from all the cars. We already deal with car alarms going off at all hours of the night.

Karen Faus
5752 S.W. Natchez St.
Tualatin, OR 97062



STAFF REPORT

CITY OF TUALATIN

Approved By Tualatin City Council
Date 3-8-10
Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager [Signature]

FROM: Doug Rux, Community Development Director [Signature]
Colin Cortes, Assistant Planner C.C.

DATE: March 8, 2010

SUBJECT: A REQUEST FOR A CONDITIONAL USE PERMIT FOR A KINDERGARTEN THROUGH 12TH GRADE SCHOOL, IN THE LIGHT MANUFACTURING (ML) PLANNING DISTRICT AT 19550 SW 90th COURT (TAX LOT 2S1 23DC 100); (CUP-10-02)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is a request for a Conditional Use Permit (CUP) that would allow a kindergarten through 8th grade (K-8) charter school within an industrial building in Itel Industrial Park in the Light Manufacturing (ML) Planning District at 19550 SW 90th Court (Tax Map 2S113AD, Tax Lot 100) through Tualatin Development Code (TDC) 60.040(1)(o).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and provide direction. If the Council chooses to grant approval, staff recommends the following conditions:

1. The applicant shall keep any school bus student drop-off/pick-up location clear of the 24-ft wide two-way drive aisle in the south yard. (Note: The Council placed a similar condition on the conditional use approval of the other tenant on the property, the NWRES D Center.)
2. The applicant shall fence the southern boundary of the site.
3. A condition in which the Council establishes a maximum allowable number of enrolled students as a means to reduce the vehicle trip generation rate if the rate is of concern.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.

- The subject property is approximately 2.47 acres at 19550 SW 90th Court on Tax Lot 2S 1 23DC 100, south of SW Tualatin-Sherwood Road and Tualatin Valley Fire & Rescue (TVF&R) Station 34.
- A Vicinity Map is included as Attachment A.
- The subject property is within the Light Manufacturing (ML) Planning District.
- "Schools for kindergarten through 12" are a conditional use within ML per TDC Section 60.040(1)(o).
- TDC 31.060 defines a "school" as "a place for systematic instruction in any branch or branches of knowledge; including any of the following: kindergarten, primary, intermediate, high school, community college, college or university, or combination thereof. May be a public school or a private school offering instruction substantially similar to public school." The proposed M.I.T.C.H. Charter School meets this broad definition.
- The subject property is Lot 6 within Intel Industrial Park and developed with a multi-tenant industrial building. The other tenant on the property is the Northwest Regional Education Service District (NWRES D) Early Intervention Center; NWRES D coordinates special education services to children who demonstrate significant delays in their development.
- The City Council approved the NWRES D Center as a conditional use through CUP-08-03 and Resolution No. 4830-08 on September 22, 2008.
- The applicant is Debi Lorence, Director of M.I.T.C.H. Charter School, and the consultant is T.M. Rippey Consulting Engineers.
- M.I.T.C.H. stands for "Multi-sensory Instruction Teaching Children Hands-on" and accommodates grades K-8.
- Through a contract with the Tigard-Tualatin School District (TTSD), the M.I.T.C.H. Charter School may enroll up to 250 students. The present student enrollment is 147 for grades K-5, and the applicant would initiate grades 6 through 8 next academic year.
- The schools has 18 total employees as follows: 9 full-time teachers; 3 part-time teachers; 2 full-time administrators; 1 part-time administrator; and, 3 specialty teachers (¾-time).
- The M.I.T.C.H. would both start and end 15 minutes prior to the times of the neighboring NWRES D Center.
- The City approved the existing site development, a 33,200 square foot (s.f.) building with 83 parking spaces and other site improvements, via Architectural Review AR-84-20.
- The proposed site plan is included as Attachment B.
- The proposed charter school would occupy the remaining tenant space of approximately 22,200 s.f. within the 33,200 s.f. building.
- The area around the subject property includes a mix of light industrial uses such as Air Liquide America Corp., Applaus Creative Solid Surface, Bioject, Cascade Coil Drapery, Circle Bolt & Nut, Duplication Factory West, Locks NW, Moore Electronics, News Group, Pacific West Roofing, Pumilite Masonry & Hardscape, and Sherwin-Williams.

- Per the submitted traffic impact study and the Engineering Division memorandum dated February 3, 2010, compared with the assumed “reasonable worst case” scenario – the permitted use within ML that generates the most vehicle trips – the proposed CUP would generate an additional 185 trips (in and outbound combined) during the morning peak and an additional 112 (in and outbound combined) during the afternoon peak. The vehicular level of service (LOS) at the intersection of SW Tualatin-Sherwood Road and SW 90th Court would remain at LOS B during the morning peak and would decline to LOS C during the afternoon peak. Further information is available in the Engineering Division memorandum (Attachment E), the Traffic Impact Study Executive Summary (Attachment F), and the application materials (Attachment C).
- Before granting the proposed amendment, the City Council must find that the criteria listed in TDC 32.030 are met: The Analysis and Findings (Attachment D) compares the application with the criteria for granting a CUP.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the Conditional Use Permit approval criteria (within Attachment D). Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment D). Attachment E is the Engineering Division memorandum addressing transportation and other public facilities associated with the proposed conditional use.
- The City Council has approved schools as a conditional use within the ML Planning District. In addition to the NWRES D Center previously described and approved through CUP-08-03 and Resolution No. 4830-08 on September 22, 2008, the Council approved:
 - The Children’s Hour Academy at 17650 SW 65th Avenue within an ML Planning District through CUP-07-02 and Resolution No. 4730-07 on November 13, 2007.
 - Tualatin Elementary School at 20405 SW 95th Avenue within an ML Planning District through CUP-03-02 and Resolution No. 4102-03 on May 12, 2003.
- The applicable policies and regulations that apply to the proposed conditional use in the ML Planning District include those in TDC Section 8.040 Public, Semi-Public and Miscellaneous Land Uses – Schools and TDC 32.030 Conditional Uses. The Analysis and Findings (Attachment D) considers the applicable policies and regulations.
- Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the ML Planning District and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment D) examines the application with respect to the criteria for granting a CUP.
- Oregon Revised Statutes (ORS) 227.178(2) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The date of the March 8, 2010 hearing is the 47th day following completeness.

OUTCOMES OF DECISION:

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

1. The applicant operates a relocated K-8 charter school for up to 250 students within a tenant space within an existing industrial building with parking, landscaping, and related site improvements approved through AR-84-20.
2. The vacant tenant space is leased.
3. The entire building is for school use through NWRESD and M.I.T.C.H.
4. Vehicle trips increase at the intersection of SW Tualatin-Sherwood Road and SW 90th Court and the level of service (LOS) during the p.m. peak decreases from B to C.
5. The M.I.T.C.H. School operates among light industrial uses.

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

1. The applicant does not operate a relocated K-8 charter school for up to 250 students within a tenant space within an existing industrial building with parking, landscaping, and related site improvements approved through AR-84-20.
2. The tenant space remains vacant.
3. Vehicle trips remain as they are at the intersection of SW Tualatin-Sherwood Road and SW 90th Court and the level of service (LOS) there during both a.m. and p.m. peaks remains at LOS B.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary.
2. Deny the request for the proposed CUP with findings that state which criteria in TDC 32.030 the applicant fails to meet.
3. Continue the discussion of the proposed CUP and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 09/10 budget allocated revenue to process Conditional Use Permits, and the applicant submitted payment per the City of Tualatin Fee Schedule on January 13, 2010 to process CUP-10-02.

PUBLIC INVOLVEMENT:

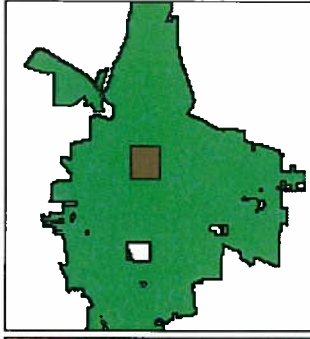
The applicant conducted a neighbor/developer meeting on December 23, 2009 at 6 p.m. to explain the CUP-10-02 proposal to neighboring property owners and to receive comments. No residents or property owners attended the meeting.

- Attachments:**
- A. Vicinity Map
 - B. Proposed Site Plan
 - C. Application Materials
 - D. Analysis and Findings
 - E. Engineering Division Memorandum
 - F. Traffic Impact Study (January 11, 2010)
 - G. E-mail from Applicant (February 24, 2010)

TualMap: CUP-10-02 Vicinity Map - M.I.T.C.H. Charter School - 19550 SW 90th Ct



Lot 2S 1 23DC 100 / ML Planning District.



Scale 1:3,600
1 in = 300 ft

C1.0

2014



GENERAL NOTES

1. EXISTING CONDITIONS BASED ON SURVEY BY AMOT PARS & ASSOCIATES, INC., DATED JANUARY 5, 2010.
2. VEHICULAR CIRCULATION AS RECORDED BY LANCASTER ENGINEERING TRAFFIC REPORT DATED JANUARY 8, 2010.
3. PLAY AREA, REDUCE AREA AND ACCESSIBLE ROUTE DESIGN BY CDA, INC., DATED JANUARY 8, 2010.

CONDITIONAL USE APPLICATION

M.I.T.C.H. Charter School

January 12, 2010

Applicant: M.I.T.C.H. Charter School
Contact: Debi Lorence
P.O. Box 230575
Tigard, OR 97281
(503) 639-5757

Planning Consultant: T.M. Rippey Consulting Engineers
Contact: Lans Stout
7650 SW Beveland Street, Suite 100
Tigard, OR 97223
(503) 443-3900

Traffic Engineer: Lancaster Engineering
Contact: Todd Mobley, PE
321 SW 4th Avenue, Suite 400
Portland, OR 97204
(503) 248-0313

Site Location: 19550 SW 90th Court
Tax Map: 2S 1 23DC; Tax Lot: 100

Applications: Conditional Use for a charter school in the Light Manufacturing (ML)
District

DESCRIPTION OF THE PROPOSAL:

This as an application for Conditional Use approval of a new facility for the M.I.T.C.H. Charter School.

Charter Schools are public schools of choice which are privately operated under approval of the local school district and subject to most federal laws and state standards. Charter schools are open to all students, and there are no regulated boundaries. All students enter charter schools through a lottery system, giving all an equal opportunity to attend. A charter school chooses its own curriculum subject to its charter contract with the school district and applicable state standards, and is accountable to the district and parents to meet the expected standards.

The M.I.T.C.H. Charter School has operated in several temporary locations since its opening in 2002, while an exhaustive search for a more permanent location was undertaken. Due to the funding format for charter schools, it is not financially feasible to acquire land and build a facility, so it is necessary to locate in an existing building that can be leased. While neighborhood schools are typically located in residential areas, the M.I.T.C.H. School serves students from throughout the district, which allows greater locational flexibility. Even so, finding a suitable building proved difficult because in residentially zoned areas the only suitable buildings would be vacant schools or churches, and such opportunities just don't exist. Therefore the site search had to focus on non-residential locations with zoning that allows schools either as an outright use or through a conditional use process, and where there would be an existing suitable building that could be leased. Paramount in this process was finding a site with suitable size, location, and safety for the students.

The site which is the subject of this application meets all of the school's locational criteria, and it will serve as an excellent home for the school.

LOCATIONAL CRITERIA AND CRITICAL SITE ISSUES:

The M.I.T.C.H. School had a number of locational criteria which guided the site selection process. In addition there are several specific issues with respect to the proposed location which is the subject of this application which have been considered by the school and will be important for the decision makers in this process. The identification of these issues and their resolution by the school is summarized in the following section.

General locational criteria:

1. The site must be inside the boundaries of the Tigard-Tualatin School District.
2. The site must have good access to the main transportation system.
3. The building must be large enough to accommodate a K-8 program with classrooms and ancillary spaces.
4. Schools must be allowed either as an outright or conditional use.
5. There cannot be nearby uses or other elements which would be disruptive or hazardous to the student population.
6. The site must be able to accommodate parental drop-off and pick-up traffic without impacting the adjacent uses or the street system.

The selected site meets all of these general locational criteria.

Specific critical issues with respect to the selected site:

1. Can the site accommodate the need for parents to drop off and pick up children?

Since nearly all of the school's students are dropped off and picked up by parents, it is essential that the site have adequate room for the peak traffic periods. This was analyzed in depth for the site, and is discussed in detail in the accompanying traffic report. The design team has developed a circulation plan which includes assigned parking spaces for short term use by parents, as well as a stacking lane and drop-off area in the rear of the building based on the maximum number of vehicles projected at full occupancy. This includes management of the vehicles by school volunteers, which is also incorporated into a similar plan in use at the existing temporary location. The circulation plan has also been coordinated with the NWRESD Early Intervention Center, which occupies the balance of the building, so that peak traffic periods will not conflict.

The accompanying site plan indicates the parking designations, loading areas, and stacking lanes. The school management is confident that this issue is appropriately addressed and that the site will be suitable with respect to this criteria.

2. Is there adequate space for a limited outside play area?

The school is not required by state standards to have an outside play area, but some outside area is desirable in conjunction with the inside gym space. Having the outside area in a location that the normal play area noise will not affect adjacent properties is also very important. This site provides an appropriate area for outside play, near the student drop-off and pick-up area. This will provide the desired play area in a safe location which will not affect other properties, and which will also be available for students waiting for parents to pick them up.

3. Are there adjacent businesses that would pose a danger or be a potential conflict with the school or the children?

Locating a school in an industrial area is somewhat unconventional, and in many cases not appropriate. Consequently, the site selection process included a careful investigation of existing and potential land uses which are or could be present nearby the site.

The attached Exhibit A shows the character of these nearby businesses:

Photo 1 shows the entrance to the building that houses several small commercial businesses at the intersection of 90th Court and Tualatin-Sherwood Road. These businesses include Sherwin-Williams Paint, Applaus Solid Surface, Circle Nut and Bolt, and the Vintage Hair Shoppe. None of these businesses generate large traffic volumes nor do they include activities which would conflict with the school.

Photo 2 shows the entrance to the Verizon Cable Television building which is adjacent to the proposed site. This is an unoccupied mechanical facility that normally has no employees on location. As the closest building to the school location, it is also important that this is a very low intensity use with substantial undeveloped area.

Photo 3 is the entrance to the proposed M.I.T.C.H. School site.

Photo 4 shows the entrance to the News Group printing facility.

Photo 5 is the main entrance to the Duplication Factory building which provides CD and DVD replication. Photo 6 shows the entrance to Cascade Coil Drapery, which manufactures flexible wire fabrics.

Photos 7 and 8 are the rear and front, respectively, of the Xomox Corporation building, which is a light-duty valve manufacturer. All of these are industrial uses, but they are also low

intensity and do not produce any products which would create a safety or compatibility issue with the school.

Photo 9 shows the front of Tualatin Valley Fire and Rescue Station 34. Having the fire station in close proximity to the school is an asset for the school in terms of safety and compatibility with surroundings.

As noted, all of these businesses are all low impact in terms of the number and types of traffic as well as general activities which could be an issue for the school. The TVF&R station is viewed as a benefit to the school as well. Consequently, the M.I.T.C.H. administration has found that there are no conflicts between the proposed school location and the surrounding activities.

4. Is there risk associated with the rail line which abuts the site to the south?

The rail line to the south of the site carries the WES commuter line and limited freight service. The WES schedule has four northbound trains during the morning while the school will be in operation and five southbound. There are no afternoon trains during school hours. The freight service is not scheduled, but is infrequent. The tracks are separated from the school building by the parking area and loading area. The playground will be fully fenced, and there will be no time in which students are outside of the building without staff or parent supervision. M.I.T.C.H. administration is confident that there is no risk associated with the proximity of the tracks.

CONDITIONAL USE APPROVAL CRITERIA:

Section 32.030 of the Tualatin Development Code provides criteria by which a proposed Conditional Use is evaluated. Each is addressed as follows.

(1) The use is listed as a conditional use...

Comment:

As noted above, the site is zoned ML, which allows schools as a conditional use. The M.I.T.C.H. Charter School meets this standard, and this criterion is met.

(2) The characteristics of the site are suitable...

Comment:

Site characteristics are a very important issue for any school location. The M.I.T.C.H. staff has searched the Tualatin-Tualatin District area for an extended period of time in order to find a location that is suitable and available for a permanent location. The aspects of site suitability that have been evaluated in selecting this site for the M.I.T.C.H. School include:

- a. Central location... The M.I.T.C.H. School serves families from throughout the district, and so a central location with respect to the Tigard-Tualatin District is very important.
- b. Available lease... The economics of operating a charter school make it impossible for the school to acquire land and build facilities. Consequently, the school needs to locate in an existing building which can be the subject of a long term lease. Suitable buildings which are available for lease are not found in residential areas, so the choices are limited to areas such as the subject location. The subject building is both available for lease and ideal for the school's needs.

- c. Access and parking... Because the M.I.T.C.H. School serves families from throughout the district, children are transported to and from school by parents, either individually or in carpools. There is no bus service provided. Consequently, good access connection with the major street system, and the ability to move vehicles efficiently through the site are very important. This issue is discussed further in the “Critical Issues” section of this narrative.
- d. Surrounding uses... The M.I.T.C.H. School’s success is dependent upon parental satisfaction with their children’s education, which can be significantly impacted by the school’s environment. Even though the school does not provide extensive outdoor play areas commonly associated with public schools, it is important that there are no activities in the area that would interfere with the educational process. There are no high traffic generators, or uses with heavy equipment, noise, or potentially dangerous materials on site or in the area that would create conflicts, as discussed further in the “Critical Issues” section of this narrative.

M.I.T.C.H. School has done extensive investigation of many potential sites in the District, and has selected the proposed location based on the general findings discussed above. From the perspective of the M.I.T.C.H. School and the City Code standards, it is clear that this criterion is met.

(3) The proposed development is timely...

Comment:

The public infrastructure has been extended to the site and all systems have been designed to accommodate multi-tenant “flex” uses. There are no unusual requirements related to the proposed school use included in this application. Therefore, this application is timely with respect to the adequacy of the public infrastructure. It is also timely with respect to the school’s contract with the District and the overall ability of the school to provide an important educational opportunity in the area. This criterion is met.

(4) The proposed use will not alter the characteristics of the surrounding area...

Comment:

The relationship of this use to the surrounding area is a major locational factor for M.I.T.C.H. School, as described above. Further, the school is compatible with the NWRES Early Intervention Center in the adjacent portion of the building, and it is also similar in many ways to other high employment uses which could occupy the building. The relationship of the use to adjacent uses is also addressed in the “Critical Issues” section of this narrative. This criterion is met.

(5) The proposal satisfies those objectives of the Tualatin Community Plan...

Comment:

The Tualatin Community Plan designates this site for General Industrial use consistent with the goal of providing an opportunity for businesses and other compatible activities. The Code recognizes the need to accommodate special types of uses, such as schools, by including those uses as conditional uses. By including these uses in the applicable zoning section, it is implicit that the use itself is anticipated and recognized, and with attention to any impacts, it is assured that the intent of the Plan is met. Also, as this use is similar to a use permitted

outright without conditional use approval in the ML District it follows that use of the site in this manner envision will satisfy the intent of the Plan by providing an opportunity for a variety of compatible activities in the area. This criterion is met.

Accompanying Materials:

- Exhibit A – Photo Documentation of Surrounding Activities
- Application Form and Filing Fee
- Site Plan
- Washington County Assessor's Map
- Property Description
- CWS Pre-screen Form
- Traffic Report
- Neighborhood Meeting Documents
- Notification List

EXHIBIT A

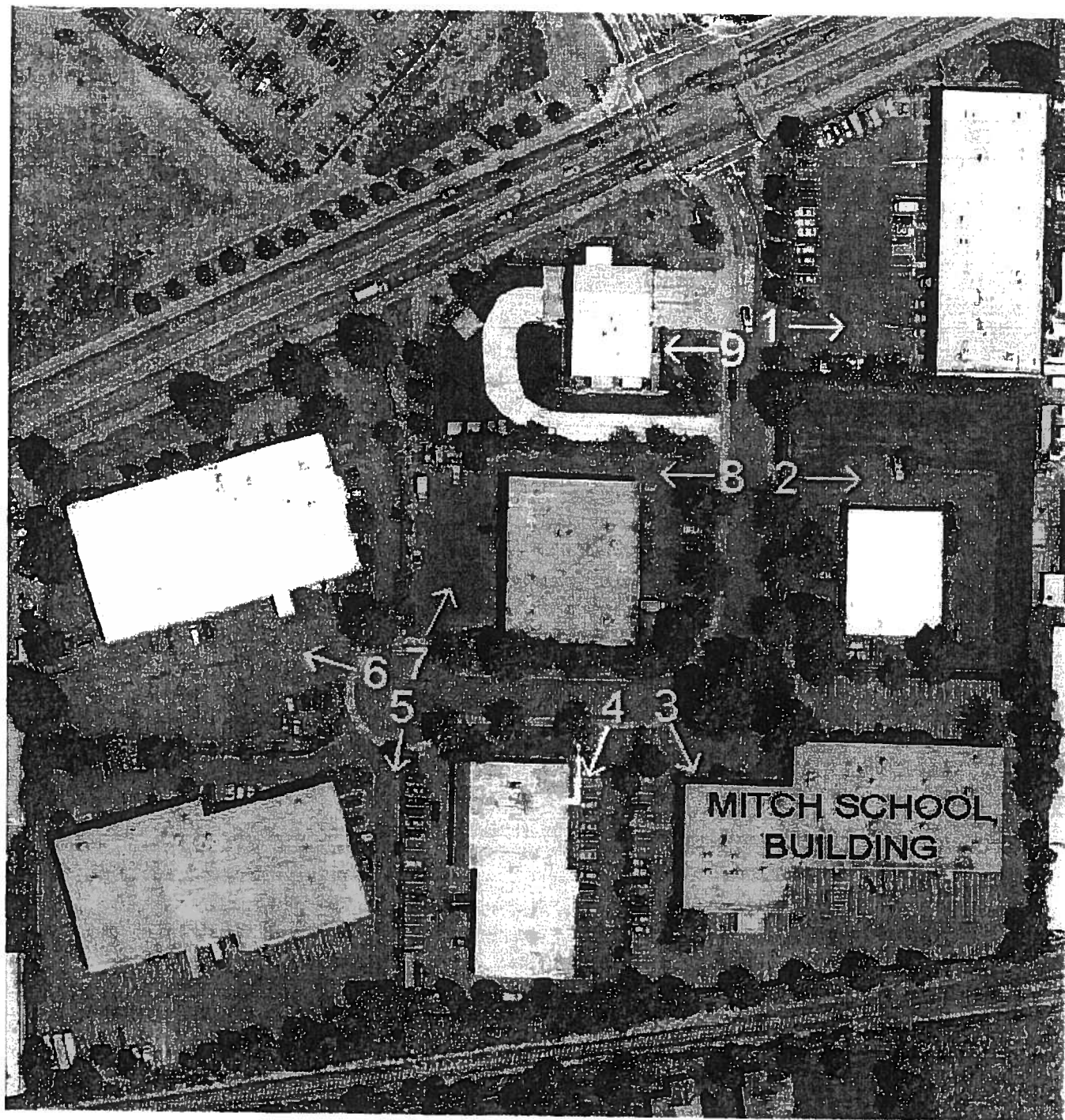


Photo 1

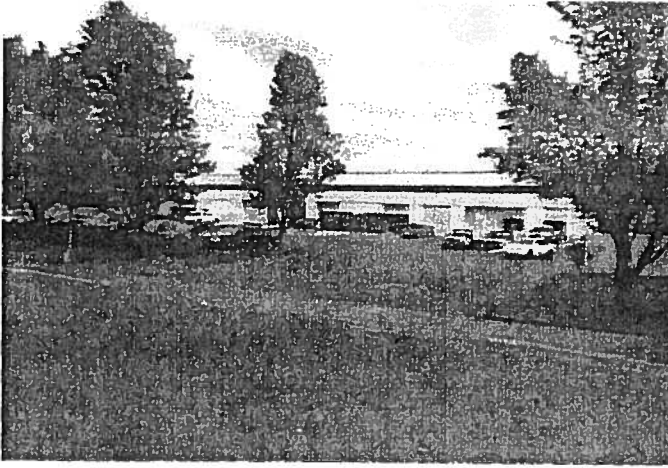


Photo 2



Photo 3

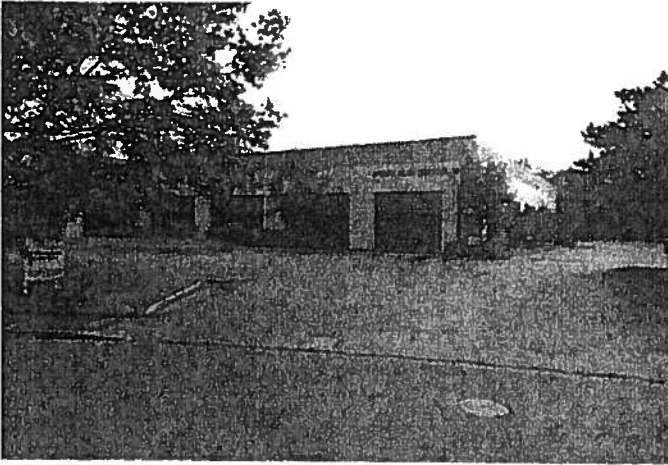


Photo 4

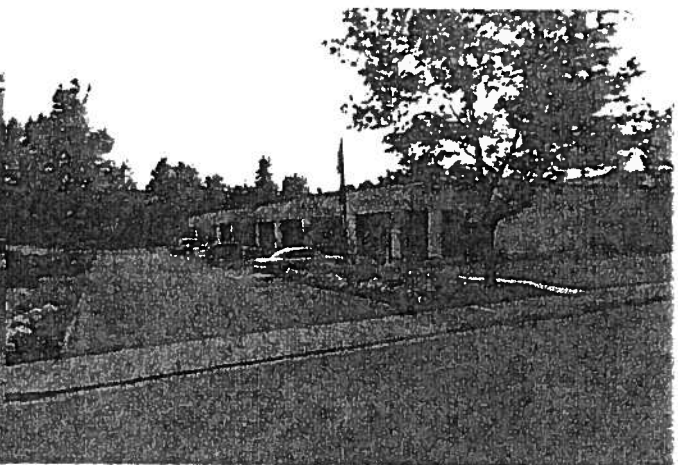


Photo 5



Photo 6

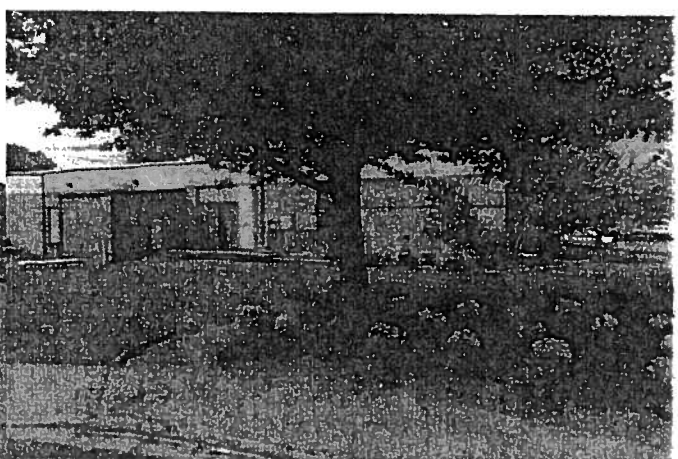


Photo 7

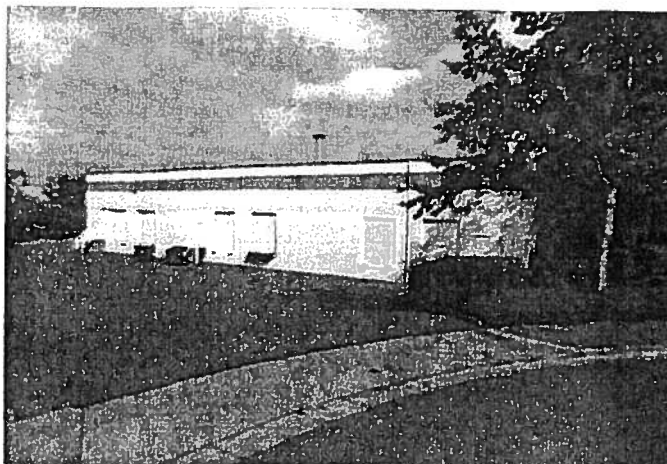
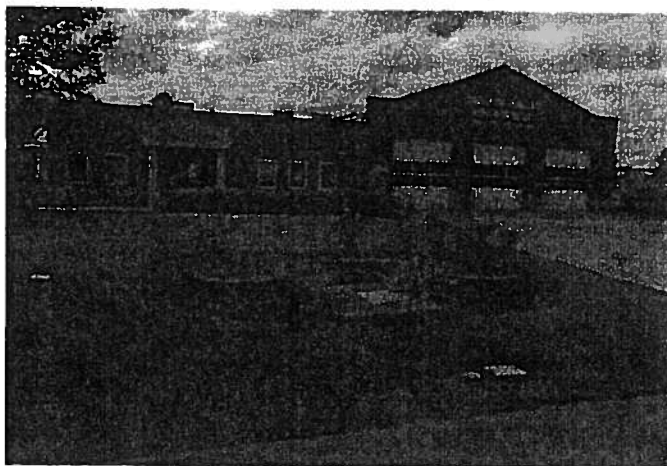


Photo 8



Photo 9



CUP-10-02 ATTACHMENT D:

ANALYSIS AND FINDINGS

In order to grant the proposed conditional use permit (CUP), the request must meet the approval criteria of Tualatin Development Code (TDC) Section 32.030. The applicant prepared a narrative that addresses the criteria (Attachment C), and staff has reviewed this and other application materials and included pertinent excerpts below:

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

The subject property, Tax Lot 2S 1 23DC 100, is within a Light Manufacturing (ML) Planning District as defined in TDC Chapter 60. "Schools for kindergarten through 12" are a conditional use within ML per TDC Section 60.040(1)(o). TDC 31.060 defines a "school" as "a place for systematic instruction in any branch or branches of knowledge; including any of the following: kindergarten, primary, intermediate, high school, community college, college or university, or combination thereof. May be a public school or a private school offering instruction substantially similar to public school." The proposed M.I.T.C.H. Charter School meets this broad definition.

The criterion is met.

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

- | | |
|-----------|---|
| Size: | The minimum lot size within an MG Planning District is 20,000 square feet (s.f.) or approximately 0.46 acres. The subject property is approximately 2.47 acres and exceeds the minimum lot size requirement. |
| | The site size is suitable for the proposed use. |
| Shape: | The subject property is a roughly rectangular trapezoid lot, Lot 6 within the Itel Industrial Park, created with access from SW 90 th Court. The lot shape is suitable for the proposed use. |
| Location: | The proposed use is located within Itel Industrial Park within an ML Planning District with access from SW 90 th Court, itself having access from SW Tualatin-Sherwood Road, a major arterial (Eb&t) as illustrated in TDC Figure 11-1 and described in TDC Table 11-1. The applicant's narrative describes the general locational criteria used to select the subject property for the proposed charter school: |

1. The site must be inside the boundaries of the Tigard-Tualatin School District.

2. The site must have good access to the main transportation system.
3. The building must be large enough to accommodate a K-8 program with classrooms and ancillary spaces.
4. Schools must be allowed either as an outright or conditional use.
5. There cannot be nearby uses or other elements which would be disruptive or hazardous to the student population.
6. The site must be able to accommodate parental drop-off and pick-up traffic without impacting the adjacent uses or the street system.

Additionally, the Council approved these other schools within the ML Planning District:

1. The Northwest Regional Education Service District (NWRES D) Early Intervention Center; NWRES D coordinates special education services to children who demonstrate significant delays in their development. The City Council approved the NWRES D Center through CUP-08-03 and Resolution No. 4830-08 on September 22, 2008. NWRES D is the other tenant on the subject property.
2. The Children's Hour Academy at 17650 SW 65th Avenue through CUP-07-02 and Resolution No. 4730-07 on November 13, 2007.
3. Tualatin Elementary School at 20405 SW 95th Avenue through CUP-03-02 and Resolution No. 4102-03 on May 12, 2003.

The location is suitable.

Topography: The developed site has a minor slope of about five (5) feet (ft), which would not interfere with the proposed use.

Improvements: The site was developed through Architectural Review AR-84-20 with a 33,200 square foot concrete tilt-up building covering 31.1% of the lot with 83 parking spaces, landscaping, and related site improvements and access through SW 90th Court. The proposed use requires no notable site improvements or redevelopment. The existing tenant Northwest Regional Education Service District (NWRES D) Early Intervention Center occupies 11,000 s.f., and the proposed M.I.T.C.H. Charter School would occupy the remaining 22,200 s.f. as the second tenant.

The proposed site plan (Sheet C1.0) shows the proposed vehicle circulation plan and assignment of existing parking for

employees and visitors for both the existing tenant NWRES D Center and the proposed tenant M.I.T.C.H. Charter School. Of the 83 parking spaces approved through AR-84-20, 32 would remain allotted for the NWRES D Center and 51 would be allotted to M.I.T.C.H. This is based on a comparison of the proposed site plan with the AR-84-20 approved site plan. In an e-mail dated February 24, 2010, the applicant clarified that 55 spaces would be assigned to MITCH and 39 to NWRES D.

Examining parking, the minimum required parking is determined through Tualatin Development Code (TDC) 73.370. The MITCH School falls under "Places of Public Assembly" and within that section under "(ii) Nursery, primary, elementary, or middle school, child day care center." The minimum vehicle parking ratio is 2 spaces per employee. In an e-mail dated February 24, 2010, the applicant provided information about teachers and employees as follows: 9 full-time teachers; 3 part-time teachers; 2 full-time administrators; 1 part-time administrator; and, 3 specialty teachers ($\frac{3}{4}$ -time). Because the total number is 18, the required minimum number of parking spaces is 36. The proposal of 55 spaces exceeds the minimum requirement.

In an e-mail dated February 24, 2010, the applicant provided additional description of the circulation plan for MITCH and the NWRES D Center that is mentioned in the narrative and illustrated on the proposed site plan: "We will have one sign at the 'Y' in the entry directing NWRES D clients to the right and M.I.T.C.H. clients to the left. We will also have a sign at the east end of the north parking area that will say: 'M.I.T.C.H. SCHOOL STAY RIGHT – THROUGH TRAFFIC STAY LEFT'. We want NWRES D clients to the left and M.I.T.C.H. to the right. There will be a 'drop-off and pick-up' area designated by striping on the south side of the building, near the M.I.T.C.H. play area. At the end of the 'drop-off and play area' a traffic flow arrow and 'ONE WAY – DO NOT ENTER' will be painted on the pavement surface. The M.I.T.C.H. school day will also be starting and ending 15 minutes earlier than NWRES D." There is adequate room on the site for school buses to safely drop off and pick up children without impeding vehicular circulation.

Aside from on-site signage directing drivers, the applicant proposes no notable improvements to the existing site development.

Natural Features: Because the site is already developed, no natural features remain.

Criterion 2 is met.

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

Transportation: The site is adjacent to the cul-de-sac street SW 90th Court, which connects to SW Tualatin-Sherwood Road. SW Tualatin-Sherwood Road is a Washington County facility designated by the City of Tualatin as a Major Arterial (Eb&t), which would ultimately have a right-of-way width of 98 to 102 feet that includes four travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Tualatin-Sherwood Road is currently approximately 102 feet wide (49 feet on this development's side) with four 12-foot travel lanes, one center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6-foot sidewalks.

Reasonable Worst Case Site Trip Generation:

The submitted application included a traffic study that showed adequate capacity (LOS B/C for AM/PM Peaks, respectively) at the intersection of SW Tualatin-Sherwood Road & SW 90th Court in a post-development situation allowing this CUP and with the previously allowed CUP 08-03, NWRES Early Intervention Center.

Currently the highest trip generation for permitted uses in the Light Manufacturing planning district is Single-Tenant Office Building (ITE 715). The trips below are based on 22,181 sq. ft. of the building. LOS (Level Of Service) includes all traffic at T-S (SW Tualatin-Sherwood Road & SW 90th Court) and the Site access.

<u>Permitted</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ T-S</u>	<u>LOS @ Site</u>
AM Peak	36	4	40	B	A
PM Peak	6	32	38	B	A

<u>CUP 10-02</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ T-S</u>	<u>LOS @ Site</u>
AM Peak	124	101	225	B	A
PM Peak	71	79	150	C	A

Water, Sanitary, & Storm: Connections to City systems currently exist. For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement in the Architectural Review decision.

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

Criterion 3 is met.

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

The subject property is in an ML Planning District. Surrounding land uses include:

N:	ML	Air Liquide America Corp.
E:	ML	Pumilite Masonry & Hardscape
S:	Portland & Western (P&W) Railroad right-of-way (ROW)	
	RL	Old Tualatin Elementary School (vacant)
	RML	Tualatin Heights Apts.
W:	ML	Duplication Factory West, Reitmeier Mechanical.

These and all industrial uses regardless of planning district are subject to TDC 63, which contains environmental regulations of noise, vibration, air quality, odors, and heat and glare. Staff expects that noise, vibration, air quality, odors, and heat and glare are not nuisances within the area of SW 90th Court.

Because the proposed charter school involves no notable site improvements and would operate indoors most of the time, it would not alter the light industrial character of the surrounding area.

Criterion 4 is met.

5. The proposal is consistent with plan policies.

The applicable Tualatin Community Plan policies are in TDC Section 8.040 Public, Semi-Public and Miscellaneous Land Uses – Schools. Other TDC Sections that are not part of the Community Plan yet are relevant include 32.030 Conditional Uses – Siting Criteria.

TDC 8.040(1)(b) states, "Locate elementary school sites, wherever possible, adjacent to neighborhood park sites, and integrate the location of such schools into the residential neighborhoods they are designated to serve." There is no neighborhood park site near the subject property, which is not in a residential neighborhood.

The applicant's narrative provides the regulatory context, stating that, "Charter Schools are public schools of choice which are privately operated under approval of the local school district and subject to most federal laws and state standards. Charter schools are open to all students, and there are no regulated boundaries. All students enter charter schools through a lottery system, giving all an equal opportunity to attend. A charter school chooses its own curriculum subject to its charter with the school district and applicable state standards, and is accountable to the district and parents to meet

the expected standards” (p. 2).

The applicant’s narrative does not describe directly the aim of the M.I.T.C.H. Charter School. However, staff visited the “About Us” section of the school website at <http://www.mitchcharterschool.org/about-us/welcome> on February 4, 2010 and reproduced the text below authored by Debi Lorence, Co-Founder and Director:

M.I.T.C.H. stands for Multi-sensory Instruction Teaching Children Hands-on, and a charter school is a public school that has chosen a unique curriculum other than what is currently in use by the school district. It is a publicly funded school so the students and their families do not pay tuition. M.I.T.C.H. is a separate 501(c) 3 nonprofit school approved by the Tigard/Tualatin School Districts. (The 501(c) 3 is used to designate a non-religious and non-political school.)

MITCH was founded on a passion for academic excellence. Before settling on an approach, we looked at the top-rated schools academically nationwide to figure out what made them so successful. Determining that schools with an agricultural emphasis were extremely successful, we combined the agricultural focus with the most successful academic curriculum available. We started with a strong "hands on" approach and continue with that model today.

The narrative states that since 2002 the school has been operating in several temporary locations and was seeking a permanent location based on six general locational criteria reproduced from the narrative for previous examination as part of conditional use Criterion 2, “Location” subsection.

Some of the ML Planning Districts adjoin residential areas in some locations of the City. There are also locations such as the subject property where a park or residential area is not immediately adjacent, yet the location may be suitable for a school.

Section 8.040(1)(d) states, “Locate all schools providing primary and secondary education as far as possible from commercial and industrial districts ...” The applicant and staff acknowledge that proposed school would be located in a light manufacturing area, yet also acknowledge the presence of the existing NWRES D Center on the subject property. The Center schools children of pre-kindergarten (pre-K) age, has a limited number of students at a time, is served primarily by school bus, is conducted entirely indoors, and is in an area where nearby uses are low intensity and do not present hazard or conflicts to the school use.

Similar to the NWRES D Center, the proposed M.I.T.C.H. Charter School is K-8. A key difference is that nearly all of the students would arrive or depart by car, as stated in bullet 1 on p. 3 of the narrative and as confirmed in bullet 5 of the executive summary of the submitted traffic impact study (Attachment F). The summary indicates that based on its contract with the Tigard-Tualatin School District (TTSD), M.I.T.C.H. agreed to a

maximum enrollment of 250 students. In an e-mail dated February 24, 2010, the applicant clarified that the present enrollment is 147 students for K-5 and that the school would initiate grades 6 through 8 next academic year.

Page 3 of the narrative states that students will have both indoor gym space and an outdoor area at the rear of the building (the easterly part of the south side) will be fenced to create a play area adjacent to the drop and pick-up queues. (A staff site visit on February 22, 2010 found that the property is presently not fenced, though the south side has notable upward slope toward the railroad track bed and is mostly thick with bushes and trees, with only one small opening through which a child could attempt to climb given escape from the play area.)

Pages 3 and 4 also describe how the area around the subject property has several light manufacturing industries that neither generate much truck traffic nor engage in noxious activities. Given that the tenant space can easily house employees and students, who will be inside most of the time; and, the use would not interfere with neighboring light industrial properties or vice versa, staff finds that a specialized school with a small student body such as the proposed school is suitable on the subject property.

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

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, the M.I.T.C.H. Charter School conditional use permit (CUP) application (CUP-10-02) meets the criteria of TDC 32.030.



City of Tualatin

www.ci.tualatin.or.us

MEMORANDUM

DATE: February 3, 2010

TO: Colin Cortes
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

SUBJECT: CUP 10-02, MITCH Charter School - To allow a charter school as a conditional use.
19550 SW 90th Court Tax Lot: 2S123DC00100

Colin,

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

Transportation: The site is adjacent to the cul-de-sac street SW 90th Court, which connects to SW Tualatin-Sherwood Road. SW Tualatin-Sherwood Road is a Washington County facility designated by the City of Tualatin as a Major Arterial (Eb&t), which would ultimately have a right-of-way width of 98 to 102 feet that includes four travel lanes, a center turn lane, bike lanes, planter strips, and sidewalks. SW Tualatin-Sherwood Road is currently approximately 102 feet wide (49 feet on this development's side) with four 12-foot travel lanes, one center turn lane, 6-foot bike lanes, 6-foot planter strips, and 6-foot sidewalks.

Reasonable Worst Case Site Trip Generation:

The submitted application included a traffic study that showed adequate capacity (LOS B/C for AM/PM Peaks, respectively) at the intersection of SW Tualatin-Sherwood Road & SW 90th Court in a post-development situation allowing this CUP and with the previously allowed CUP 08-03, NWRES Early Intervention Center.



City of Tualatin

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Currently the highest trip generation for permitted uses in the Light Manufacturing planning district is Single-Tenant Office Building (ITE 715). The trips below are based on 22, 181 sq. ft. of the building. LOS (Level Of Service) includes all traffic at T-S (SW Tualatin-Sherwood Road & SW 90th Court) and the Site access.

<u>Permitted</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ T-S</u>	<u>LOS @ Site</u>
AM Peak	36	4	40	B	A
PM Peak	6	32	38	B	A

<u>CUP 10-02</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Total</u>	<u>LOS @ T-S</u>	<u>LOS @ Site</u>
AM Peak	124	101	225	B	A
PM Peak	71	79	150	C	A

Water, Sanitary, & Storm: Connections to City systems currently exist. For the future Architectural Review, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement in the Architectural Review decision.

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

**M.I.T.C.H. CHARTER SCHOOL
TRAFFIC IMPACT STUDY**

TUALATIN, OREGON

DATE:

January 11, 2010

PREPARED FOR:

Debi Lorence, Director

PREPARED BY:

Michael Ard, PE



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EXECUTIVE SUMMARY

1. A charter school serving grades K-8 is proposed for a site at 19550 SW 90th Court in Tualatin. The proposed school has a maximum enrollment of 250 based on the school's contract with the school district and will take access via an existing driveway on SW 90th Court.
2. The proposed school is projected to generate 225 trips during the morning peak hour, with 124 entering and 101 exiting the site. A total of 150 trips are expected during the evening peak hour, with 71 entering and 79 exiting the site.
3. Sight distance is adequate at the existing driveway location. No mitigations are recommended.
4. A five-year crash history and observation of the area roadways and intersections revealed no significant safety hazards. No safety mitigations are recommended.
5. Although adequate sidewalks and bicycle facilities are in place, most students are not expected to live close enough to make walking or biking to school a reasonable option. Consequently, bicycle parking demand is expected to be low at the proposed school site, and the traffic analysis was conducted assuming that all students arrive and depart by private vehicles.
6. An operational analysis was conducted at the intersections of SW Tualatin Sherwood Road at SW 90th Avenue/SW 90th Court and SW 90th Court at the proposed site access. The study intersections currently operate acceptably during the morning and evening peak hours and are projected to continue to operate acceptably either with or without development of the proposed school. No mitigations are recommended.
7. On-site circulation was reviewed for the proposed school. A plan was prepared which accommodates the projected peak drop-off and pick-up queues, maximizes the number of vehicles that can be loaded and unloaded simultaneously, ensures the vehicle loading can be accomplished in an orderly fashion and preserves a continuously-open circulation lane for bus and NWRES D traffic. Staff from the proposed M.I.T.C.H. Charter School met with staff of the NWRES D Early Intervention/Early Childhood Center, and both parties have agreed that the plan is viable. Further, scheduling will be set so that the peak M.I.T.C.H. traffic does not overlap with the Early Intervention Center traffic.

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PROJECT DESCRIPTION

INTRODUCTION

An existing building located at 19550 SW 90th Court in Tualatin, Oregon is proposed as the location of a new M.I.T.C.H. Charter School serving the Tigard-Tualatin School District. The site takes access to SW 90th Court, which connects to SW Tualatin Sherwood Road. The building is currently home to the NWRES D Early Intervention/Early Childhood Center. The proposed charter school use will require a conditional use permit from the City of Tualatin.

The purpose of this study is to assess the traffic impact of the proposed charter school on the nearby street system and to recommend any required mitigative measures, as well as on-site traffic management. The study will include operational and safety analyses of existing conditions, background conditions without the proposed site use, and build-out conditions upon full occupancy of the proposed school. A detailed site plan showing site circulation and parking is included in the beginning of the technical appendix.

Detailed information on traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.

LOCATION DESCRIPTION

The project site is a building located on a 2.45-acre lot at 19550 SW 90th Court. The site is currently home to the NWRES D Early Intervention Center, a special education facility occupying the west side of the building. The east side of the building, totaling 22,181 square feet, is currently vacant.

The subject property is located within the Light Manufacturing planning district (ML). Under the City's Development code, schools serving children K-12 such as the proposed M.I.T.C.H. Charter School require a conditional-use permit.

The City of Tualatin requires analysis of the site access intersection on SW 90th Court and the intersection of SW Tualatin Sherwood Road at SW 90th Avenue/SW 90th Court. A map showing the site vicinity including the lane configurations and traffic control devices for the area intersections is shown in Figure 1 on page 6.

SW Tualatin Sherwood Road has a posted speed of 45 mph in the site vicinity and is classified by Washington County as an Arterial. It has a five-lane cross-section including a center two-way left-turn lane with curbs, sidewalks and bike lanes are in place on both sides of the roadway.

SW 90th Avenue has a posted speed of 35 mph north of SW Tualatin Sherwood Road and is classified by the City of Tualatin as a Major Arterial. It has a three-lane cross-section including a center two-way left-turn lane with curbs, sidewalks and bike lanes in place on both sides of the roadway.

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Near the intersection of SW Tualatin Sherwood Road at SW 90th Avenue, the roadway widens to four lanes in order to accommodate dual left-turning movements on the southbound intersection approach.

SW 90th Court is a two-lane dead-end roadway with no posted speed. It extends approximately 830 feet from SW Tualatin Sherwood Road to a cul-de-sac. It is classified by the City of Tualatin as a local street. Curbs and sidewalks are in place on both sides of the roadway.

The intersection of SW Tualatin Sherwood Road at SW 90th Avenue is controlled by a six-phase traffic signal. The westbound approach has a left-turn lane with protected phasing, two through lanes, and an exclusive right-turn lane. The eastbound approach has a left-turn lane with protected phasing, an exclusive through lane, and a shared through/right lane. The northbound approach operates with split phasing and has a left turn lane and a shared through/right lane. The southbound approach is also split phase and has a left-turn lane, a shared left/through lane and an exclusive right-turn lane.

The intersection of SW 90th Court at the site access driveway is controlled by a stop sign on the northbound driveway approach. Through traffic travelling along SW 90th Court is free-flowing. All intersection approaches have a single, shared lane.

Transit service is not currently available along SW Tualatin Sherwood Road. The closest transit service is along SW Boones Ferry Road, located approximately one half mile from the site. Tri-met route 76, *Beaverton/Tualatin*, provides service from about 6:00 AM to 11:00 PM weekdays with service every half hour for most of the day. Saturdays the bus line operates from 7:00 AM to 10:00 PM with service every 30 to 60 minutes. Sunday service is from 7:00 AM to 7:00 PM, with buses running every 30 to 60 minutes.

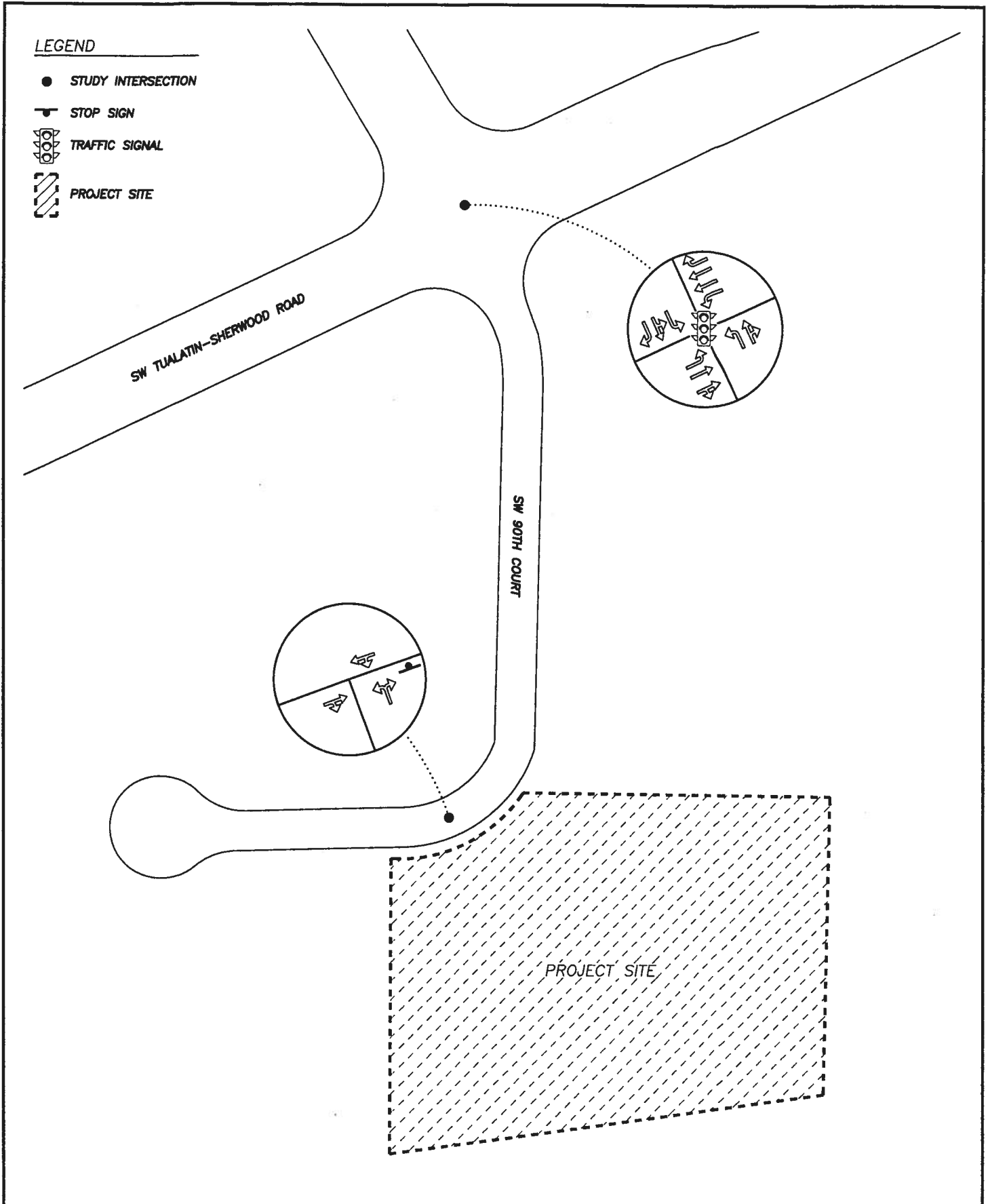
In addition to the bus service, the WES Commuter Rail station is located approximately one half mile from the subject property. Commuter rail service is available on weekdays only, with service from 5:30 to 9:45 AM and from 3:30 to 8:00 PM on 30-minute intervals.

Manual turning movement counts were made at the study intersections during December 2009 from 7:00 to 9:00 AM and from 3:00 to 6:00 PM. The peak hours typically occur from about 7:30 to 8:30 AM and from 4:15 to 5:15 PM. Detailed traffic count data is included in the appendix to this report.

Figure 2 on page six shows the measured turning movement volumes at the study area intersections during the morning and evening peak hours.

LEGEND

- STUDY INTERSECTION
- STOP SIGN
- TRAFFIC SIGNAL
- PROJECT SITE



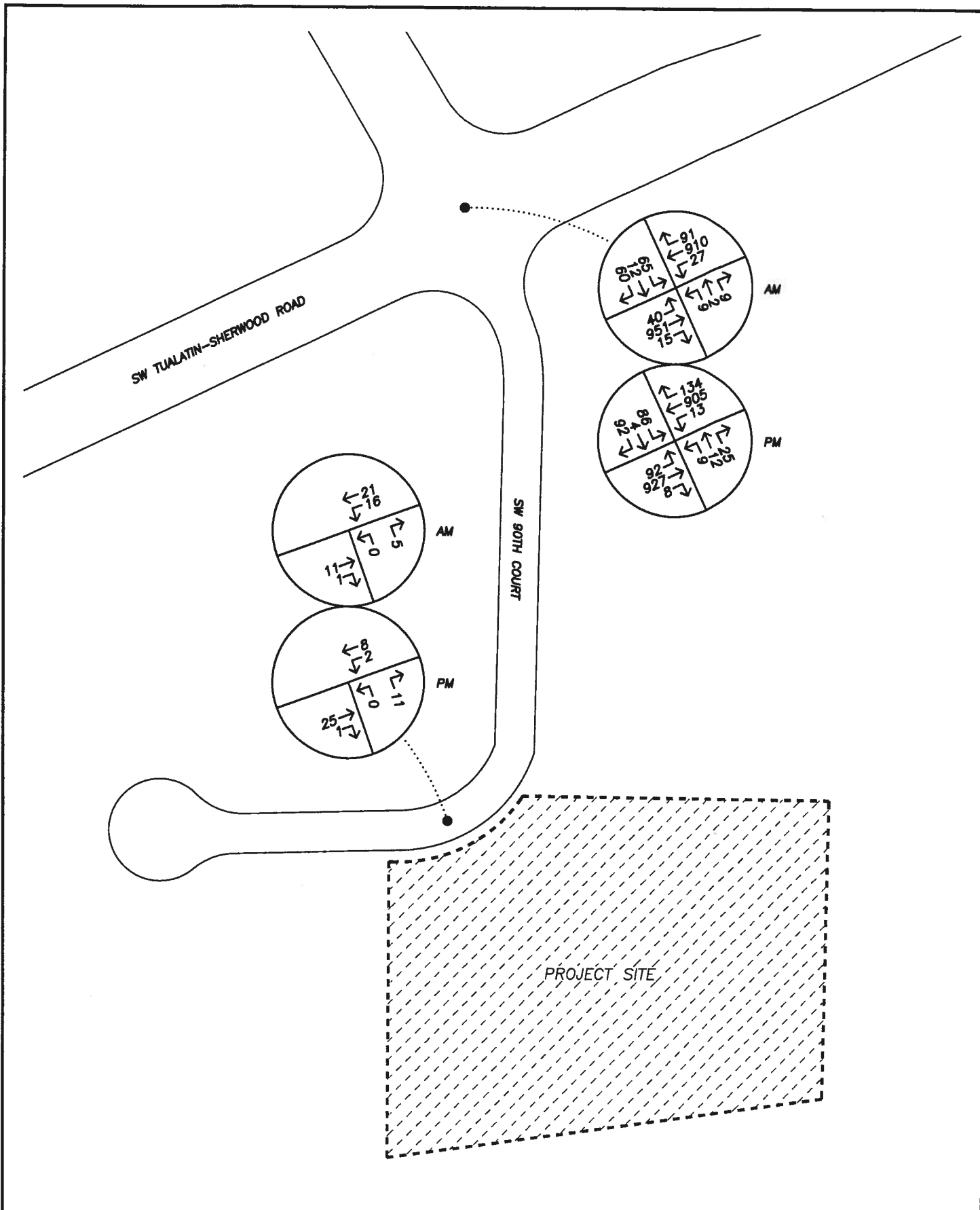
Le

VICINITY MAP
Existing Lane Configurations
& Traffic Control Devices


no scale

FIGURE
1

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TRIP GENERATION & DISTRIBUTION

TRIP GENERATION

To estimate the number of trips that will be generated by the proposed development, trip rates from the manual *TRIP GENERATION*, Eighth Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used were for land use code 534, *Private School (K-8)*. The trip generation calculations show that at full capacity the proposed development could generate 225 trips during the morning peak hour with 124 entering and 101 exiting the site. The evening peak hour is expected to result in a total of 150 trips with 71 entering and 79 exiting the site.

A summary of the trip generation calculations is shown in the table below. Detailed calculations are included in the appendix to this report.

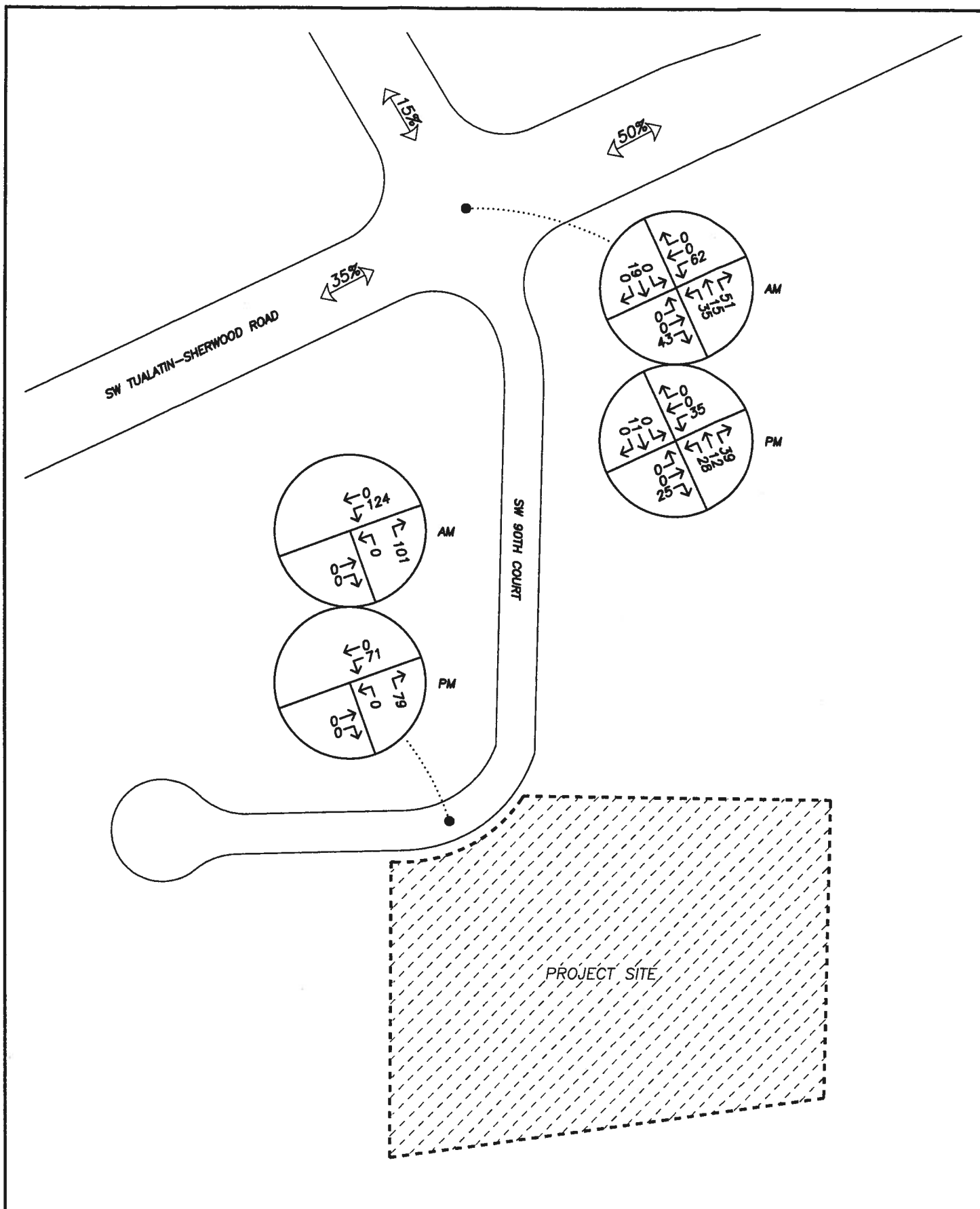
TRIP GENERATION SUMMARY			
M.I.T.C.H. Charter School			
	Entering Trips	Exiting Trips	Total Trips
<i>250 Student School (K-8)</i>			
AM Peak Hour	124	101	225
PM Peak Hour	71	79	150

Because a school is typically an origin or destination for trips, no reduction was taken for pass-by trips. Also, no reductions were made for transit, bicycle and pedestrian trips. It should be noted that the afternoon peak hour of school traffic will occur prior to the evening peak hour of traffic on Tulatin Sherwood Road.

For comparison purposes, trip generation rates were also examined for permitted uses in the Light Manufacturing planning district. A single-tenant office for sales and service of industrial products would be permitted in the building. Based on ITE trip rates for land use code 715, *Single-Tenant Office Building*, an office of 22,181 square feet would be expected to generate 40 trips during the morning peak hour with 36 entering and 4 exiting the site. A total of 38 trips would be expected during the evening peak hour, with 6 entering and 32 exiting the site.

TRIP DISTRIBUTION

The site trip distribution was estimated based on information regarding where families attending the existing school location in Tigard reside, the locations of nearby major transportation facilities and existing travel patterns in the site vicinity. The trip distribution and assignment of site trips for the morning and evening peak hours are shown in Figure 3 on page. 9.



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SITE-GENERATED TRAFFIC
Proposed Development Plan
AM and PM Peak Hours



FIGURE
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SAFETY ANALYSIS

SIGHT DISTANCE

Required intersection sight distance for the site access driveway on SW 90th Court was calculated from the equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2001 by the American Association of State Highway and Transportation Officials (AASHTO). The measurements are based on a driver's eye height of 3.5 feet above the roadway and an object height of 3.5 feet, with the driver's eye 15 feet behind the edge of the near side travel lane. Based upon the statutory speed of 25 mph on SW 90th Court, a minimum of 280 feet of intersection sight distance is required in each direction.

Intersection sight distance to the west was measured to be continuous to the end of the roadway (approximately 300 feet). Intersection sight distance to the north was measured to be 305 feet. Intersection sight distance is adequate in both directions to assure safe and efficient operation of the existing access driveway. No mitigations or improvements are recommended.

CRASH HISTORY

The most recent five years of crash data was examined for the intersection of SW Tualatin Sherwood Road at SW 90th Avenue and for the entire length of SW 90th Court in order to determine whether there are existing safety hazards that require improvements. Crash data for the period from January 1, 2004 through December 31, 2008 was obtained from the ODOT Crash Analysis and Reporting Unit.

There was one reported crash on SW 90th Court within the five-year analysis period. It involved a distracted driver that rear-ended a parked vehicle. This collision is not indicative of safety problems on SW 90th Court.

The intersection of SW Tualatin Sherwood Road at SW 90th Avenue had a total of 10 reported crashes during the analysis period; including nine rear-end collisions and one turning movement collision.

In order to allow comparison between intersections serving differing levels of traffic, crash histories are often evaluated based on the crash rate. A crash rate accounts for both the number of reported crashes and the number of vehicles entering the intersection. Crash rates of less than one to two crashes per million entering vehicles are typically not considered indicative of significant safety problems.

The crash rate at the intersection of SW Tualatin Sherwood Road and SW 90th Avenue/SW 90th Court was calculated to be 0.24 crashes per million entering vehicles. Based upon a detailed review of the crash data and observation of the site vicinity, no significant hazards were identified. No specific safety mitigations are recommended in conjunction with development of the proposed charter school.

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PEDESTRIAN AND BICYCLE FACILITIES

Existing sidewalks are in place along SW 90th Court, SW 90th Avenue and SW Tualatin Sherwood Road. Bike lanes are also in place along SW Tualatin Sherwood Road and SW 90th Avenue. Lane striping (including bike lane striping) is typically not provided for low-speed, low-volume roadways such as SW 90th Court. Bicycles would be expected to share the roadway along SW 90th Court.

Although adequate pedestrian and bicycle facilities are available in the site vicinity, it is expected that these facilities will not be used regularly by site traffic. The proposed charter school will draw students from a wide area, with very few within walking or biking distance.

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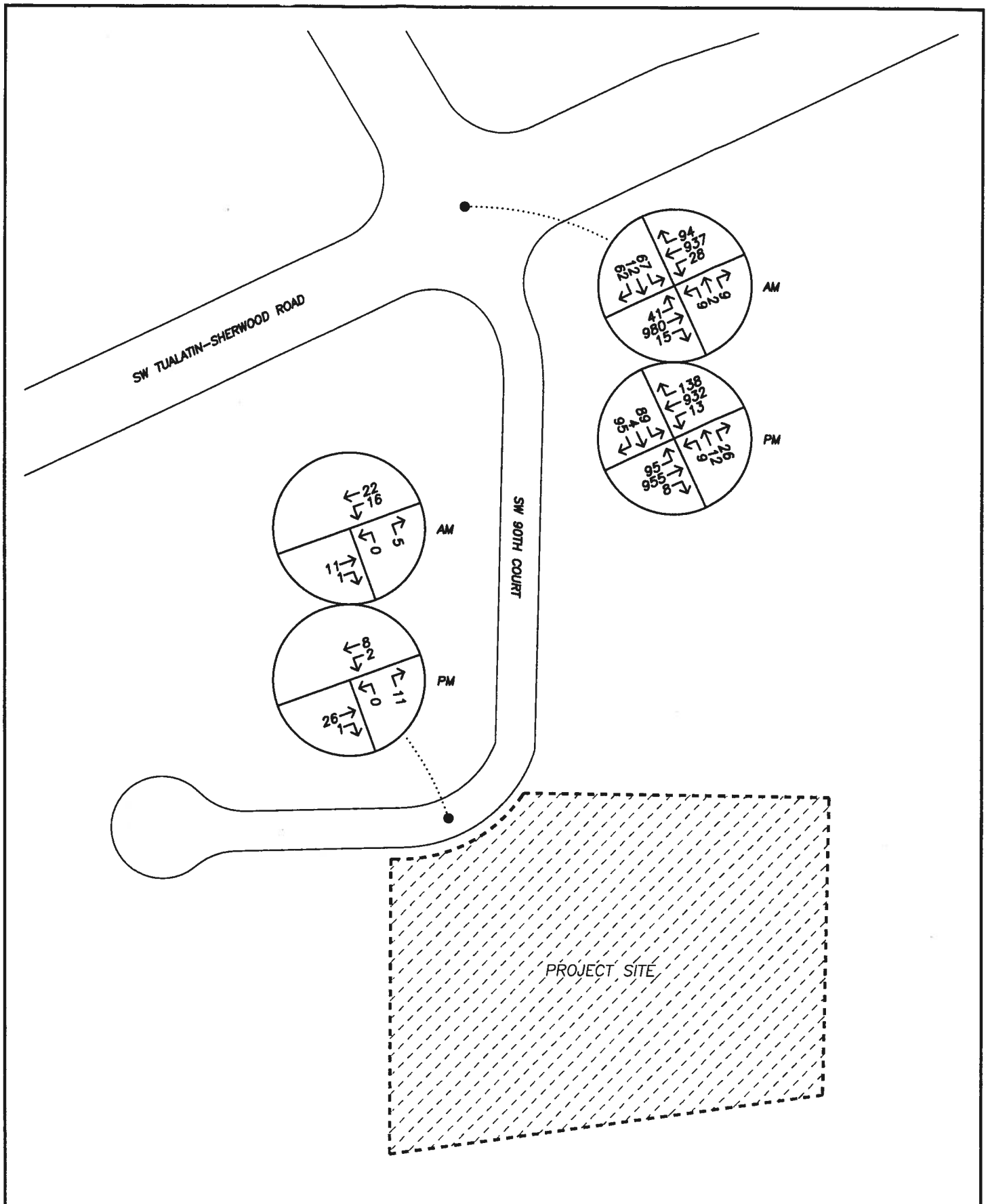
OPERATIONAL ANALYSIS

BACKGROUND TRAFFIC

Prior to assigning the site trips to the study area intersections, the existing traffic volumes were increased in order to account for anticipated growth in the study area. A background growth rate of three percent per year is typically applied for short-term regional growth within the METRO area. The proposed development can be completed and occupied for the 2010/2011 school year. Accordingly, the growth rate was applied over a period of one year.

No specific additional developments have been identified near the site that will contribute to the traffic volumes at the study area intersections.

Figure 4 on page 13 shows the background traffic volumes for the 2010/2011 school year without site trips from the proposed development. Figure 5 on page 14 shows year 2010/2011 traffic volumes with the addition of site trips from the proposed school.



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TRAFFIC VOLUMES
Year 2010/2011 Background Traffic Conditions
AM and PM Peak Hours



FIGURE
4

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CAPACITY ANALYSIS

To determine the level of service at the study intersections, a capacity analysis was conducted. The analysis was conducted according to the signalized and unsignalized intersection analysis methodologies in the 2000 *HIGHWAY CAPACITY MANUAL* (HCM) published by the Transportation Research Board. Level of service can range from A, which indicates little or no delay, to F, which indicates a significant amount of congestion and delay.

The intersection of SW Tualatin Sherwood Road at SW 90th Avenue/SW 90th Place operates under the jurisdiction of Washington County, and is required to operate with a volume-to-capacity ratio (v/c) of 0.99 or better during the peak hours. The intersection of SW 90th Court at the site access driveway operates under the jurisdiction of the City of Tualatin, and is required to operate at level of service E or better.

The intersection of SW Tualatin Sherwood Road at SW 90th Avenue/SW 90th Court is currently operating at level of service B during the morning and evening peak hours. Under background traffic conditions during the 2010/2011 school year, the intersection is projected to continue to operate at level of service B during the morning and evening peak hours. With the addition of site trips from the proposed development, the intersection is projected to operate at level of service B during the morning peak hour and level of service C during the evening peak hour. The intersection also operates well within capacity under all analysis scenarios, with a maximum v/c ratio of 0.69. This is well within the acceptable range per Washington County standards.

The intersection of SW 90th Court at the site access is currently operating at level of service A during the morning and evening peak hours. During the 2010/2011 school year, the intersection is projected to continue to operate at level of service A either with or without the addition of site trips from the proposed charter school. Intersection operation is acceptable per City of Tualatin standards.

The results of the capacity analysis, along with the Levels of Service (LOS) and delay are shown in the following table. Detailed capacity analysis results are included in the appendix to this report.

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LEVEL OF SERVICE SUMMARY						
M.I.T.C.H. Charter School						
	AM Peak Hour			PM Peak Hour		
	<u>LOS</u>	<u>Delay</u>	<u>v/c</u>	<u>LOS</u>	<u>Delay</u>	<u>v/c</u>
<i>SW Tualatin Sherwood Road at SW 90th Avenue¹</i>						
Existing Conditions	B	16	0.48	B	19	0.54
Background 2010/2011 Conditions	B	16	0.50	B	20	0.55
Background + Site Trips	B	19	0.66	C	21	0.69
<i>SW 90th Court at Site Access</i>						
Existing Conditions	A	9	0.01	A	9	0.01
Background 2010/2011 Conditions	A	9	0.01	A	9	0.01
Background + Site Trips	A	9	0.12	A	9	0.10
LOS = Level of Service						
Delay = Average delay per vehicle in seconds						
v/c = Volume-to-capacity ratio						
¹ Signalized intersection						

As shown in the table above, all study intersections currently operate acceptably during the morning and evening peak hours, and will continue to operate acceptably with full occupancy of the proposed charter school. No mitigations are necessary or recommended.

SITE CIRCULATION ANALYSIS

In order to assure that the peak traffic demands associated with student drop-off and pick-up times can be accommodated on the proposed school site, a detailed circulation plan was prepared and is attached. The plan draws on the traffic management plan in use at the existing M.I.T.C.H. school site in Tigard as well as observations at that location.

Based on observations, the longest queues occur during the afternoon when parents are picking up children. This is expected, since parents arriving early during the morning peak hour simply drop off children and leave, while parents arriving early during the afternoon peak must wait for the children to be released. The maximum observed queue was 29 vehicles at the existing school site.

The Tigard site uses a one-way circulation plan. Vehicles enter the site from one access driveway and exit from a second driveway. Arriving vehicles form a queue within the aisles of the parking lot, extending to the loading area. The loading area is three vehicles wide with a crosswalk at the front

1e

controlled by a flagger. Students load into the three vehicles at the front of the loading area. Once the students are safely in their vehicles, the flagger signals them to proceed across the crosswalk to the site exit. The next vehicles in queue then move into the loading area to repeat the process.

In order to make the loading process more efficient, the school currently uses numbered signs placed in each parent vehicle. These numbered signs allow the teachers to release students to the loading area as their parents arrive. Since the students are lined up in order matching the waiting vehicles, the loading process is accelerated and simplified, and the number of students within the loading area at any time is minimized.

The loading process at the existing Tigard site requires ten to fifteen minutes, after which the few straggling vehicles can easily be served without flagging or one-way circulation requirements.

In preparing a circulation plan for the proposed Tualatin site, the observations from the Tigard site were adjusted to account for differences in the layout of the parking areas and the student population. A maximum of 48 vehicles in queue are expected at the Tualatin school location at full occupancy under the school district contract. The proposed plan was designed to accommodate this maximum queue, minimize the duration of the loading time and provide opportunities for parents to use either a loading/unloading queue similar to the Tigard site or to park and walk children in and out of the school. A spreadsheet showing the projected queue lengths is included in the technical appendix.

The proposed site plan provides a 12-vehicle loading zone with a crosswalk located behind the loading zone. Children will wait in the fenced play area or gym until being released by their teachers based on the arrival order of parent vehicles. The parent vehicles will fill the loading zone, after which a flagger will indicate that students may proceed forward to their waiting vehicles. After all children are loaded, these 12 vehicles will pull forward and exit the site. The next vehicles in queue will then pull forward to fill the loading area and the process will repeat.

Immediately adjacent to and south of the loading area are 8 angled parking spaces. Adequate separation is provided between the parking spaces and the loading zone so that the parking spaces can be accessed even while the loading zone is full. Utilization of these spaces in conjunction with the 12-vehicle loading zone will increase the effective size of the loading area on the south side of the school to 20 vehicles that can be loaded and unloaded simultaneously.

Once the loading area and angled parking area are full, vehicles will queue on the east side of the building. A striped line will delineate the queuing area will maintaining a circulation lane for use by NWRES D buses and through vehicles.

Additional drop off/pick up space will be provided by designating 19 spaces in the parking area on the north side of the building for this use. In total, the site plan will accommodate more than 50 vehicles within the queuing and loading areas, which is greater than the projected queues for the site. Even during peak loading periods, safe and unobstructed site circulation is preserved. A diagram illustrating the proposed queuing, loading and parking areas is included in the technical appendix.

In order to limit traffic impacts to the NWRES D Early Intervention Center, M.I.T.C.H. school hours will be scheduled to begin and end outside of the peak hours of EI Center traffic. School hours can be adjusted if needed based on observed operations of both facilities.

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CONCLUSIONS

Sight distance is adequate at the existing driveway location. No mitigations are recommended.

A five-year crash history and observation of the area roadways and intersections revealed no significant safety hazards. No safety mitigations are recommended.

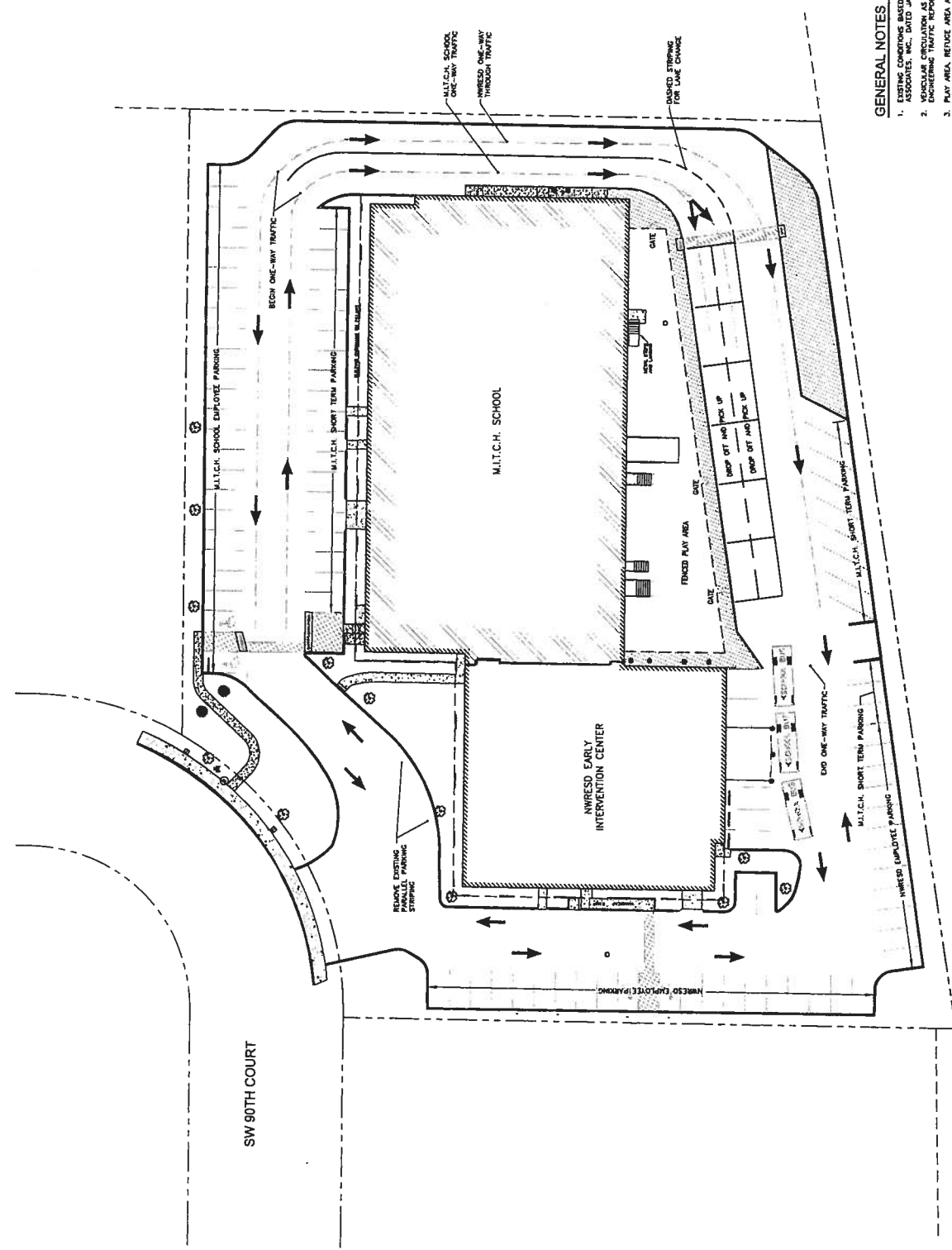
Although adequate sidewalks and bicycle facilities are in place, the proposed school serves students who don't live close enough to make walking or biking to school a reasonable option.

An operational analysis was conducted at the intersections of SW Tualatin Sherwood Road at SW 90th Avenue/SW 90th Court and SW 90th Court at the proposed site access. The study intersections currently operate acceptably during the morning and evening peak hours and are projected to continue to operate acceptably either with or without development of the proposed school. No mitigations are recommended.

On-site circulation was reviewed for the proposed school. In order to minimize impacts from the site, a detailed plan was prepared which accommodates the projected peak drop-off and pick-up queues, maximizes the number of vehicles that can be loaded and unloaded simultaneously, ensures the vehicle loading can be accomplished in an orderly fashion and preserves a continuously-open circulation lane for bus and NWRESD traffic. In addition, the proposed school will schedule classes to minimize overlaps in traffic demands between the M.I.T.C.H. charter school and the NWRESD Early Intervention/Early Childhood Center.

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APPENDIX



GENERAL NOTES
1. EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED ON A VISUAL SURVEY OF THE SITE AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE.
2. VEHICLE CIRCULATION AS RECOMMENDED BY LANCASTER ENGINEERING TRAFFIC REPORT DATED JANUARY 8, 2010.
3. PLAY AREA, REFUGE AREA AND ACCESSIBLE ROUTE DESIGN BY CDA, INC., DATED JANUARY 8, 2010.

NORTH
SCALE 1"=80'
SITE PLAN



LEVEL OF SERVICE

Level of service is used to describe the quality of traffic flow. Levels of service A to C are considered good, and rural roads are usually designed for level of service C. Urban streets and signalized intersections are typically designed for level of service D. Level of service E is considered to be the limit of acceptable delay. For unsignalized intersections, level of service E is generally considered acceptable. Here is a more complete description of levels of service:

Level of service A: Very low delay at intersections, with all traffic signal cycles clearing and no vehicles waiting through more than one signal cycle. On highways, low volume and high speeds, with speeds not restricted by other vehicles.

Level of service B: Operating speeds beginning to be affected by other traffic; short traffic delays at intersections. Higher average intersection delay than for level of service A resulting from more vehicles stopping.

Level of service C: Operating speeds and maneuverability closely controlled by other traffic; higher delays at intersections than for level of service B due to a significant number of vehicles stopping. Not all signal cycles clear the waiting vehicles. This is the recommended design standard for rural highways.

Level of service D: Tolerable operating speeds; long traffic delays occur at intersections. The influence of congestion is noticeable. At traffic signals many vehicles stop, and the proportion of vehicles not stopping declines. The number of signal cycle failures, for which vehicles must wait through more than one signal cycle, are noticeable. This is typically the design level for urban signalized intersections.

Level of service E: Restricted speeds, very long traffic delays at traffic signals, and traffic volumes near capacity. Flow is unstable so that any interruption, no matter how minor, will cause queues to form and service to deteriorate to level of service F. Traffic signal cycle failures are frequent occurrences. For unsignalized intersections, level of service E or better is generally considered acceptable.

Level of service F: Extreme delays, resulting in long queues which may interfere with other traffic movements. There may be stoppages of long duration, and speeds may drop to zero. There may be frequent signal cycle failures. Level of service F will typically result when vehicle arrival rates are greater than capacity. It is considered unacceptable by most drivers.



*LEVEL OF SERVICE CRITERIA
FOR SIGNALIZED INTERSECTIONS*

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (Seconds)
A	< 10
B	10-20
C	20-35
D	35-55
E	55-80
F	> 80

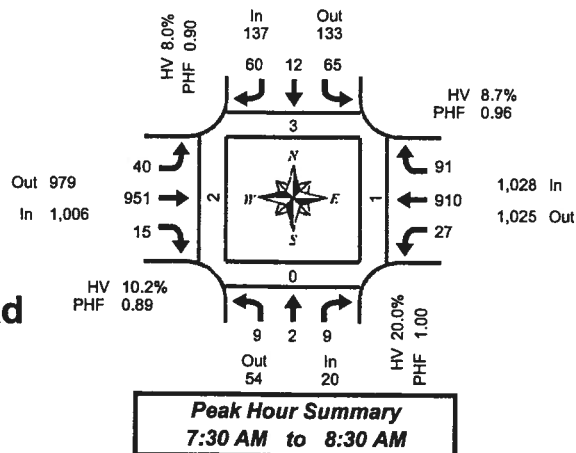
*LEVEL OF SERVICE CRITERIA
FOR UNSIGNALIZED INTERSECTIONS*

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (Seconds)
A	< 10
B	10-15
C	15-25
D	25-35
E	35-50
F	> 50

Total Vehicle Summary



Clay Carney
(503) 833-2740



SW 90th Ave & SW Tualatin Sherwood Rd

Wednesday, December 09, 2009

7:00 AM to 9:00 AM

15-Minute Interval Summary

7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
7:00 AM	0	1	2	0	12	4	11	0	9	228	2	0	3	218	13	0	503	0	0	0	0
7:15 AM	2	0	2	0	19	2	9	0	12	224	4	0	7	218	14	0	513	0	0	0	0
7:30 AM	3	0	2	0	19	1	14	0	8	254	2	0	10	241	17	0	571	2	0	0	0
7:45 AM	3	0	2	0	13	3	15	0	12	266	6	0	6	232	22	0	580	0	0	0	0
8:00 AM	1	1	3	0	18	2	18	0	7	206	3	0	4	225	29	0	517	0	0	1	1
8:15 AM	2	1	2	0	15	6	13	0	13	225	4	1	7	212	23	0	523	1	0	0	1
8:30 AM	3	0	6	0	20	6	14	0	16	255	5	0	6	194	30	0	555	0	0	0	0
8:45 AM	1	1	3	0	15	2	11	0	12	220	2	1	6	230	20	0	523	0	0	0	0
Total Survey	15	4	22	0	131	26	105	0	89	1,878	28	2	49	1,770	168	0	4,285	3	0	1	2

Peak Hour Summary

7:30 AM to 8:30 AM

By Approach	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	20	54	74	0	137	133	270	0	1,006	979	1,985	1	1,028	1,025	2,053	0	2,191	3	0	1	2
%HV	20.0%				8.0%				10.2%				8.7%				9.4%				
PHF	1.00				0.90				0.89				0.96				0.94				

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	9	2	9	20	65	12	60	137	40	951	15	1,006	27	910	91	1,028	2,191
%HV	11.1%	50.0%	22.2%	20.0%	12.3%	8.3%	3.3%	8.0%	0.0%	10.5%	20.0%	10.2%	7.4%	9.0%	5.5%	8.7%	9.4%
PHF	0.75	0.50	0.75	1.00	0.86	0.50	0.83	0.90	0.77	0.89	0.63	0.89	0.68	0.94	0.78	0.96	0.94

Rolling Hour Summary

7:00 AM to 9:00 AM

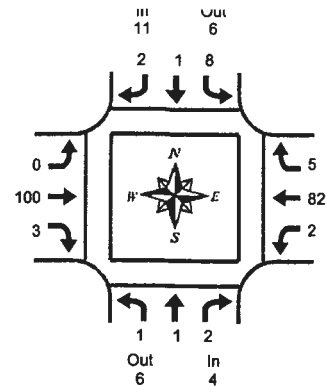
Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
7:00 AM	8	1	8	0	63	10	49	0	41	972	14	0	26	909	66	0	2,167	2	0	0	0
7:15 AM	9	1	9	0	69	8	56	0	39	950	15	0	27	916	82	0	2,181	2	0	1	1
7:30 AM	9	2	9	0	65	12	60	0	40	951	15	1	27	910	91	0	2,191	3	0	1	2
7:45 AM	9	2	13	0	66	17	60	0	48	952	18	1	23	863	104	0	2,175	1	0	1	2
8:00 AM	7	3	14	0	68	16	56	0	48	906	14	2	23	861	102	0	2,118	1	0	1	2

Heavy Vehicle Summary



Clay Carney
(503) 833-2740

Out 85
In 103



SW 90th Ave & SW Tualatin Sherwood Rd

Wednesday, December 09, 2009

7:00 AM to 9:00 AM

Peak Hour Summary
7:30 AM to 8:30 AM

Heavy Vehicle 15-Minute Interval Summary

7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
7:00 AM	0	0	0	0	1	0	0	1	0	23	0	23	1	17	1	19	43
7:15 AM	1	0	1	2	4	0	1	5	1	27	0	28	0	21	3	24	59
7:30 AM	1	0	0	1	2	0	1	3	0	31	0	31	0	19	2	21	56
7:45 AM	0	0	0	0	1	0	0	1	0	28	1	29	1	18	1	20	50
8:00 AM	0	1	1	2	2	0	0	2	0	19	0	19	0	22	2	24	47
8:15 AM	0	0	1	1	3	1	1	5	0	22	2	24	1	23	0	24	54
8:30 AM	2	0	1	3	2	0	1	3	1	36	1	38	1	18	2	21	65
8:45 AM	1	0	1	2	4	0	1	5	1	31	1	33	0	31	1	32	72
Total Survey	5	1	5	11	19	1	5	25	3	217	5	225	4	169	12	185	446

Heavy Vehicle Peak Hour Summary

7:30 AM to 8:30 AM

By Approach	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total
	In	Out	Total		In	Out	Total		In	Out	Total		In	Out	Total		
Volume	4	6	10		11	6	17		103	85	188		89	110	199		207
PHF	0.17				0.21				0.27				0.29				0.27

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	1	1	2	4	8	1	2	11	0	100	3	103	2	82	5	89	207
PHF	0.08	0.25	0.17	0.17	0.22	0.25	0.17	0.21	0.00	0.28	0.19	0.27	0.25	0.28	0.21	0.29	0.27

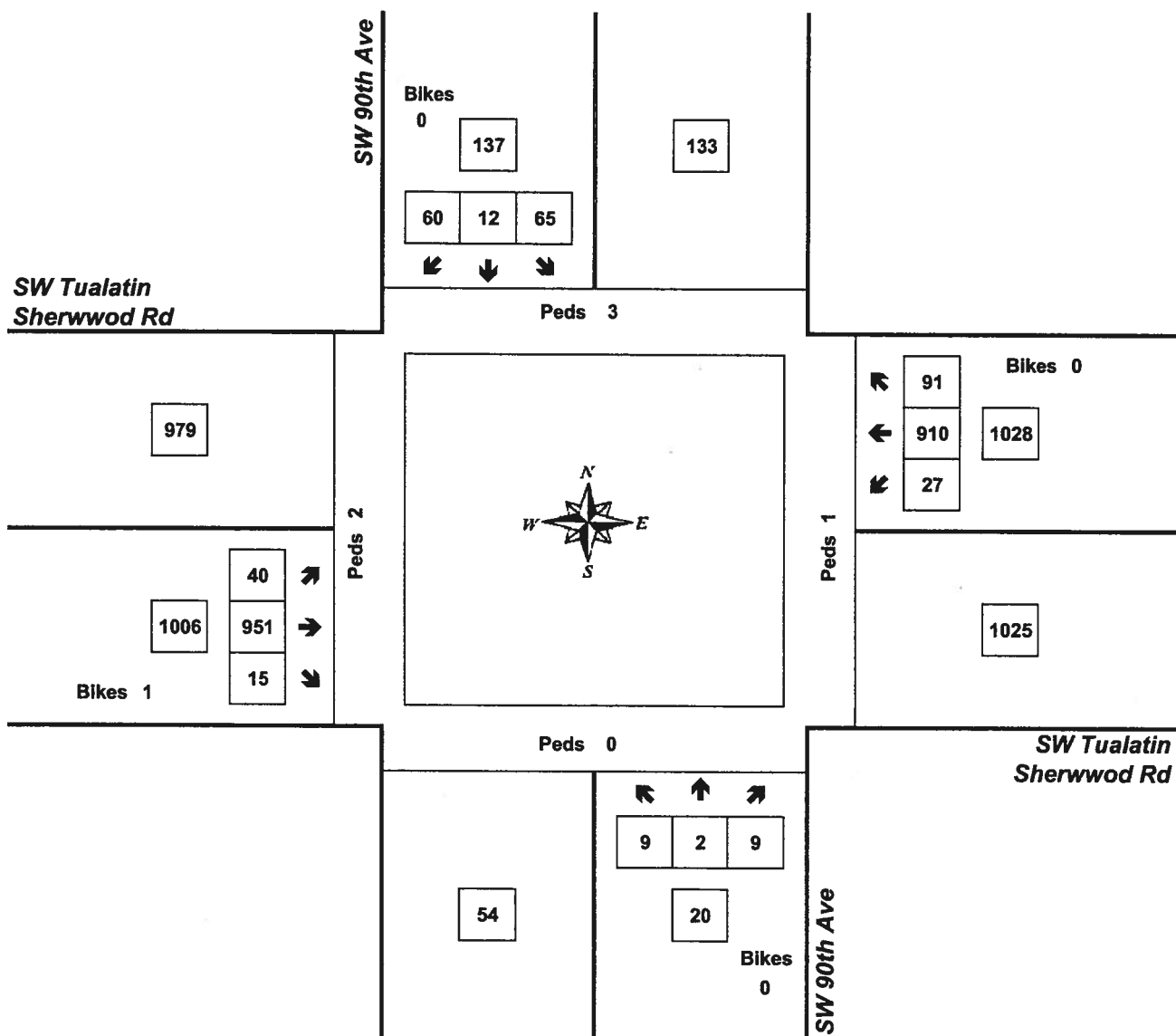
Heavy Vehicle Rolling Hour Summary

7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
7:00 AM	2	0	1	3	8	0	2	10	1	109	1	111	2	75	7	84	208
7:15 AM	2	1	2	5	9	0	2	11	1	105	1	107	1	80	8	89	212
7:30 AM	1	1	2	4	8	1	2	11	0	100	3	103	2	82	5	89	207
7:45 AM	2	1	3	6	8	1	2	11	1	105	4	110	3	81	5	89	216
8:00 AM	3	1	4	8	11	1	3	15	2	108	4	114	2	94	5	101	238

All Traffic Data
Services Inc.

Wednesday, December 09, 2009



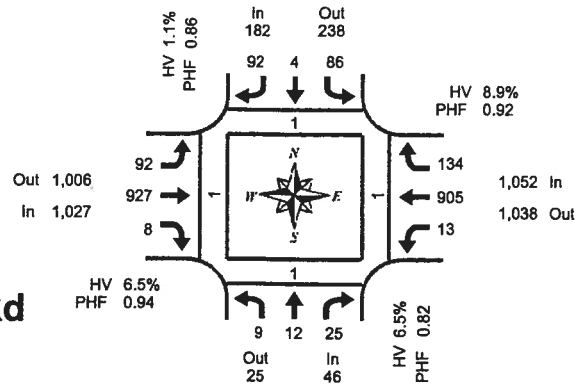
Approach	PHF	HV%	Volume
EB	0.89	10.2%	1,006
WB	0.96	8.7%	1,028
NB	1.00	20.0%	20
SB	0.90	8.0%	137
Intersection	0.94	9.4%	2,191

Count Period: 7:00 AM to 9:00 AM

Total Vehicle Summary



Clay Carney
(503) 833-2740



SW 90th Ave & SW Tualatin Sherwood Rd

Tuesday, December 08, 2009

3:00 PM to 6:00 PM

Peak Hour Summary
4:15 PM to 5:15 PM

15-Minute Interval Summary

3:00 PM to 6:00 PM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
3:00 PM	4	2	8	0	18	1	22	0	19	193	5	0	2	173	28	0	475	0	1	0	0
3:15 PM	3	3	6	0	16	0	19	0	28	234	2	0	1	187	38	0	537	1	0	0	1
3:30 PM	1	5	9	0	21	2	25	0	25	215	4	0	1	176	29	0	513	0	1	0	0
3:45 PM	3	2	7	0	20	0	23	0	18	217	2	0	1	216	33	1	542	0	0	0	0
4:00 PM	2	5	9	0	21	2	24	0	21	218	2	0	1	197	32	0	534	0	0	0	0
4:15 PM	4	2	8	0	19	2	22	0	28	238	2	0	3	229	29	0	586	0	0	0	0
4:30 PM	2	3	6	0	24	1	28	0	19	238	1	0	2	206	32	1	562	1	1	0	0
4:45 PM	1	4	6	0	24	0	23	0	24	245	4	0	3	244	40	0	618	0	0	0	0
5:00 PM	2	3	5	0	19	1	19	0	21	206	1	0	5	226	33	0	541	0	0	1	1
5:15 PM	1	4	9	0	20	0	22	0	26	233	1	2	2	226	28	0	572	0	0	0	0
5:30 PM	1	3	4	0	19	0	18	0	19	216	0	0	1	236	34	0	551	0	1	0	0
5:45 PM	1	1	4	0	15	0	12	0	20	230	1	0	2	246	30	0	562	0	0	0	0
Total Survey	25	37	81	0	236	9	257	0	268	2,683	25	2	24	2,562	386	2	6,593	2	4	1	2

Peak Hour Summary

4:15 PM to 5:15 PM

By Approach	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	46	25	71	0	182	238	420	0	1,027	1,006	2,033	0	1,052	1,038	2,090	1	2,307	1	1	1	1
%HV	6.5%				1.1%				6.5%				8.9%				7.2%				
PHF	0.82				0.86				0.94				0.92				0.93				

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	9	12	25	46	86	4	92	182	92	927	8	1,027	13	905	134	1,052	2,307
%HV	0.0%	8.3%	8.0%	6.5%	1.2%	0.0%	1.1%	1.1%	1.1%	7.0%	12.5%	6.5%	7.7%	10.2%	0.7%	8.9%	7.2%
PHF	0.56	0.75	0.78	0.82	0.90	0.50	0.82	0.86	0.82	0.95	0.50	0.94	0.65	0.93	0.84	0.92	0.93

Rolling Hour Summary

3:00 PM to 6:00 PM

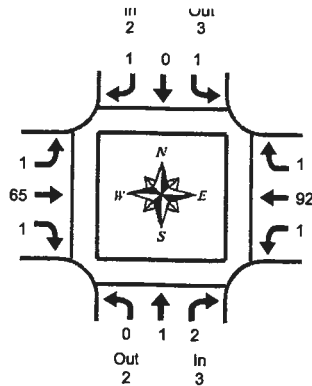
Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
3:00 PM	11	12	30	0	75	3	89	0	90	859	13	0	5	752	128	1	2,067	1	2	0	1
3:15 PM	9	15	31	0	78	4	91	0	92	884	10	0	4	776	132	1	2,126	1	1	0	1
3:30 PM	10	14	33	0	81	6	94	0	92	888	10	0	6	818	123	1	2,175	0	1	0	0
3:45 PM	11	12	30	0	84	5	97	0	86	911	7	0	7	848	126	2	2,224	1	1	0	0
4:00 PM	9	14	29	0	88	5	97	0	92	939	9	0	9	876	133	1	2,300	1	1	0	0
4:15 PM	9	12	25	0	86	4	92	0	92	927	8	0	13	905	134	1	2,307	1	1	1	1
4:30 PM	6	14	26	0	87	2	92	0	90	922	7	2	12	902	133	1	2,293	1	1	1	1
4:45 PM	5	14	24	0	82	1	82	0	90	900	6	2	11	932	135	0	2,282	0	1	1	1
5:00 PM	5	11	22	0	73	1	71	0	86	885	3	2	10	934	125	0	2,226	0	1	1	1

Heavy Vehicle Summary



Clay Carney
(503) 833-2740

Out 93
In 67



SW 90th Ave & SW Tualatin Sherwood Rd

Tuesday, December 08, 2009

3:00 PM to 6:00 PM

Peak Hour Summary
4:15 PM to 5:15 PM

Heavy Vehicle 15-Minute Interval Summary

3:00 PM to 6:00 PM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
3:00 PM	0	0	0	0	0	0	0	0	0	18	0	18	0	24	0	24	42
3:15 PM	1	0	1	2	1	0	0	1	1	21	1	23	0	19	1	20	46
3:30 PM	0	1	0	1	0	0	1	1	1	17	0	18	1	23	0	24	44
3:45 PM	0	0	0	0	0	0	0	0	0	16	0	16	0	28	0	28	44
4:00 PM	0	0	0	0	0	1	0	1	0	19	1	20	0	21	0	21	42
4:15 PM	0	0	1	1	0	0	1	1	0	20	0	20	1	28	0	29	51
4:30 PM	0	0	0	0	1	0	0	1	0	15	0	15	0	23	1	24	40
4:45 PM	0	0	1	1	0	0	0	0	1	21	0	22	0	22	0	22	45
5:00 PM	0	1	0	1	0	0	0	0	0	9	1	10	0	19	0	19	30
5:15 PM	1	0	0	1	0	0	1	1	1	12	0	13	0	11	1	12	27
5:30 PM	0	1	0	1	1	0	0	1	0	8	0	8	0	10	0	10	20
5:45 PM	0	0	0	0	0	0	0	0	0	11	0	11	0	12	0	12	23
Total Survey	2	3	3	8	3	1	3	7	4	187	3	194	2	240	3	245	454

Heavy Vehicle Peak Hour Summary

4:15 PM to 5:15 PM

By Approach	Northbound SW 90th Ave			Southbound SW 90th Ave			Eastbound SW Tualatin Sherwood Rd			Westbound SW Tualatin Sherwood Rd			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	3	2	5	2	3	5	67	93	160	94	68	162	166
PHF	0.25			0.17			0.28			0.30			0.30

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	0	1	2	3	1	0	1	2	1	65	1	67	1	92	1	94	166
PHF	0.00	0.13	0.25	0.25	0.25	0.00	0.25	0.17	0.13	0.29	0.25	0.28	0.25	0.30	0.25	0.30	0.30

Heavy Vehicle Rolling Hour Summary

3:00 PM to 6:00 PM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound SW Tualatin Sherwood Rd				Westbound SW Tualatin Sherwood Rd				Interval Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
3:00 PM	1	1	1	3	1	0	1	2	2	72	1	75	1	94	1	96	176
3:15 PM	1	1	1	3	1	1	1	3	2	73	2	77	1	91	1	93	176
3:30 PM	0	1	1	2	0	1	2	3	1	72	1	74	2	100	0	102	181
3:45 PM	0	0	1	1	1	1	1	3	0	70	1	71	1	100	1	102	177
4:00 PM	0	0	2	2	1	1	1	3	1	75	1	77	1	94	1	96	178
4:15 PM	0	1	2	3	1	0	1	2	1	65	1	67	1	92	1	94	166
4:30 PM	1	1	1	3	1	0	1	2	2	57	1	60	0	75	2	77	142
4:45 PM	1	2	1	4	1	0	1	2	2	50	1	53	0	62	1	63	122
5:00 PM	1	2	0	3	1	0	1	2	1	40	1	42	0	52	1	53	100

Peak Hour Summary

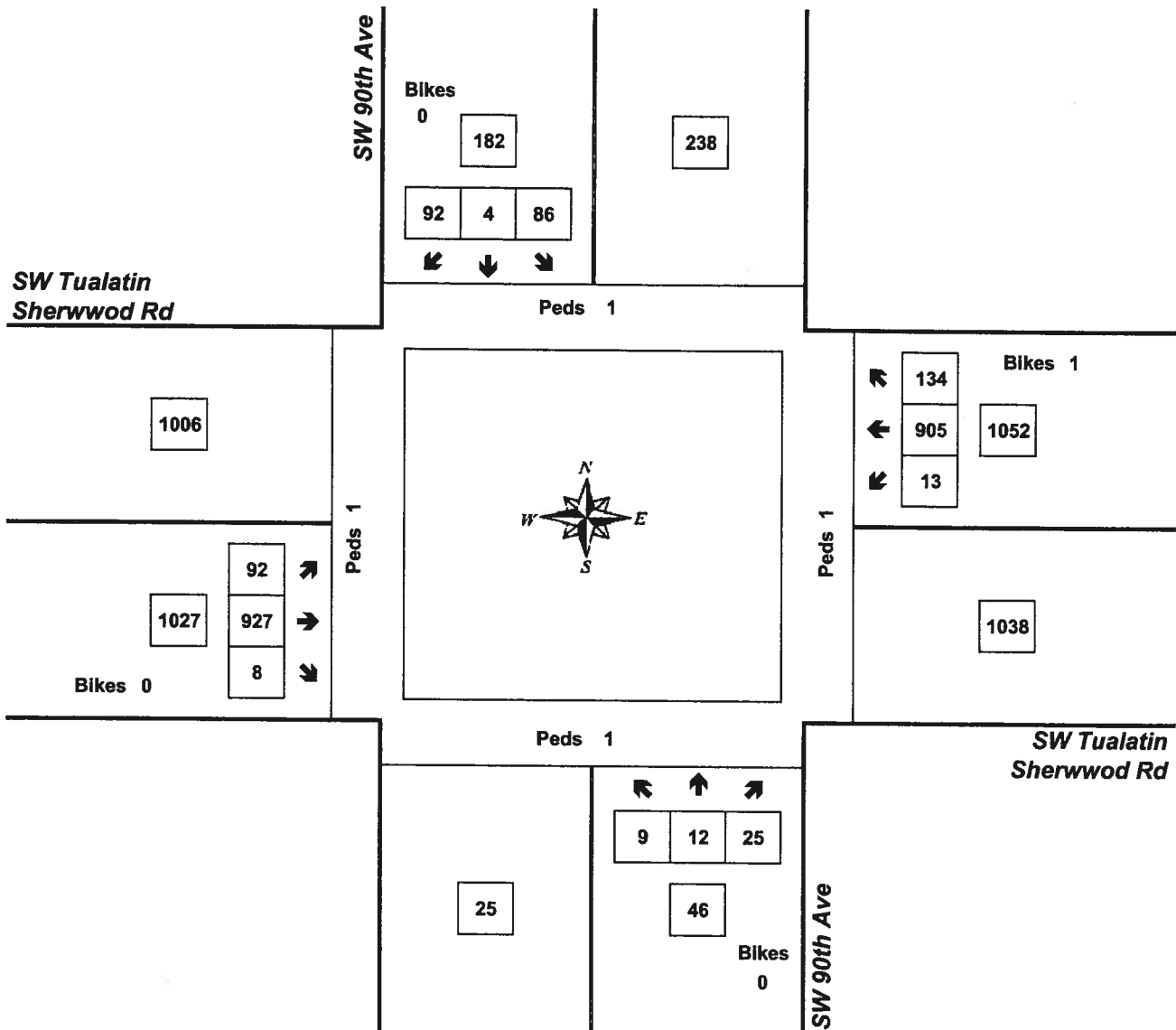


Clay Carney
(503) 833-2740

SW 90th Ave & SW Tualatin Sherwwod Rd

4:15 PM to 5:15 PM

Tuesday, December 08, 2009



Approach	PHF	HV%	Volume
EB	0.94	6.5%	1,027
WB	0.92	8.9%	1,052
NB	0.82	6.5%	46
SB	0.86	1.1%	182
Intersection	0.93	7.2%	2,307

Count Period: 3:00 PM to 6:00 PM

Total Vehicle Summary

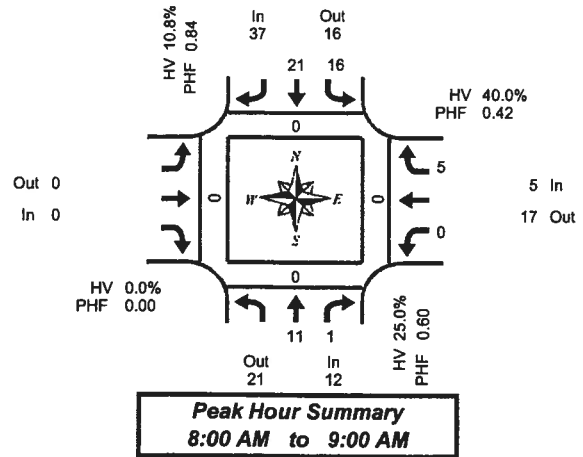


Clay Carney
(503) 833-2740

SW 90th Ave & 19500 SW 90th Ave

Wednesday, December 09, 2009

7:00 AM to 9:00 AM



15-Minute Interval Summary

7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Interval Total	Pedestrians Crosswalk			
	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L		North	South	East	West
7:00 AM	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0
7:15 AM	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0
7:30 AM	1	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	0
7:45 AM	1	0	0	5	6	0	0	0	0	0	0	0	0	0	0	0	12	0	0	0	0
8:00 AM	0	0	0	5	3	0	0	0	0	0	0	1	0	0	0	0	9	0	0	0	0
8:15 AM	4	0	0	5	6	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0
8:30 AM	2	1	0	5	5	0	0	0	0	0	0	3	0	0	0	0	16	0	0	0	0
8:45 AM	5	0	0	1	7	0	0	0	0	0	0	1	0	0	0	0	14	0	0	0	0
Total Survey	13	1	0	23	39	0	0	0	0	0	0	5	0	0	0	0	81	0	0	0	0

Peak Hour Summary

8:00 AM to 9:00 AM

By Approach	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	12	21	33	0	37	16	53	0	0	0	0	0	5	17	22	0	54	0	0	0	0
%HV	25.0%				10.8%				0.0%				40.0%				16.7%				
PHF	0.60				0.84				0.00				0.42				0.84				

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Total
		T	R	Total	L	T		Total				Total	L		R	Total	
Volume		11	1	12	16	21		37				0	0		5	5	54
%HV	NA	27.3%	0.0%	25.0%	18.8%	4.8%	NA	10.8%	NA	NA	NA	0.0%	0.0%	NA	40.0%	40.0%	16.7%
PHF		0.55	0.25	0.60	0.80	0.75		0.84				0.00	0.00		0.42	0.42	0.84

Rolling Hour Summary

7:00 AM to 9:00 AM

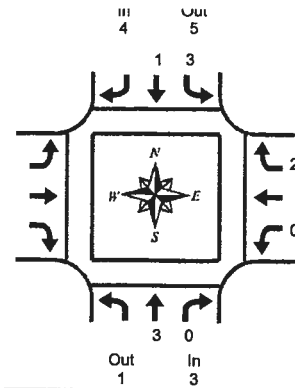
Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Interval Total	Pedestrians Crosswalk			
	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L		North	South	East	West
7:00 AM	2	0	0	7	18	0	0	0	0	0	0	0	0	0	0	0	27	0	0	0	0
7:15 AM	2	0	0	12	17	0	0	0	0	0	0	1	0	0	0	0	32	0	0	0	0
7:30 AM	6	0	0	15	22	0	0	0	0	0	0	1	0	0	0	0	44	0	0	0	0
7:45 AM	7	1	0	20	20	0	0	0	0	0	0	4	0	0	0	0	52	0	0	0	0
8:00 AM	11	1	0	16	21	0	0	0	0	0	0	5	0	0	0	0	54	0	0	0	0

Heavy Vehicle Summary



Clay Carney
(503) 833-2740

Out 0
In 0



SW 90th Ave & 19500 SW 90th Ave

Wednesday, December 09, 2009

7:00 AM to 9:00 AM

Peak Hour Summary
8:00 AM to 9:00 AM

Heavy Vehicle 15-Minute Interval Summary 7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave			Southbound SW 90th Ave			Eastbound 19500 SW 90th Ave			Westbound 19500 SW 90th Ave			Interval Total
	T	R	Total	L	T	Total	Total	Total	Total	L	R	Total	
7:00 AM	0	0	0	0	1	1	0	0	0	0	0	0	1
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15 AM	1	0	1	0	1	1	0	0	0	0	0	0	2
8:30 AM	1	0	1	2	0	2	0	0	1	1	1	1	4
8:45 AM	1	0	1	1	0	1	0	0	1	1	1	1	3
Total Survey	3	0	3	3	2	5	0	0	2	2	2	2	10

Heavy Vehicle Peak Hour Summary 8:00 AM to 9:00 AM

By Approach	Northbound SW 90th Ave			Southbound SW 90th Ave			Eastbound 19500 SW 90th Ave			Westbound 19500 SW 90th Ave			Total
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	
Volume	3	1	4	4	5	9	0	0	0	2	3	5	9
PHF	0.25			0.25			0.00			0.25			0.25

By Movement	Northbound SW 90th Ave			Southbound SW 90th Ave			Eastbound 19500 SW 90th Ave			Westbound 19500 SW 90th Ave			Total
	T	R	Total	L	T	Total	Total	Total	Total	L	R	Total	
Volume	3	0	3	3	1	4	0	0	0	2	2	2	9
PHF	0.25	0.00	0.25	0.25	0.25	0.25	0.00	0.00	0.00	0.25	0.25	0.25	0.25

Heavy Vehicle Rolling Hour Summary 7:00 AM to 9:00 AM

Interval Start Time	Northbound SW 90th Ave			Southbound SW 90th Ave			Eastbound 19500 SW 90th Ave			Westbound 19500 SW 90th Ave			Interval Total
	T	R	Total	L	T	Total	Total	Total	Total	L	R	Total	
7:00 AM	0	0	0	0	1	1	0	0	0	0	0	0	1
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0
7:30 AM	1	0	1	0	1	1	0	0	0	0	0	0	2
7:45 AM	2	0	2	2	1	3	0	0	1	1	1	1	6
8:00 AM	3	0	3	3	1	4	0	0	2	2	2	2	9

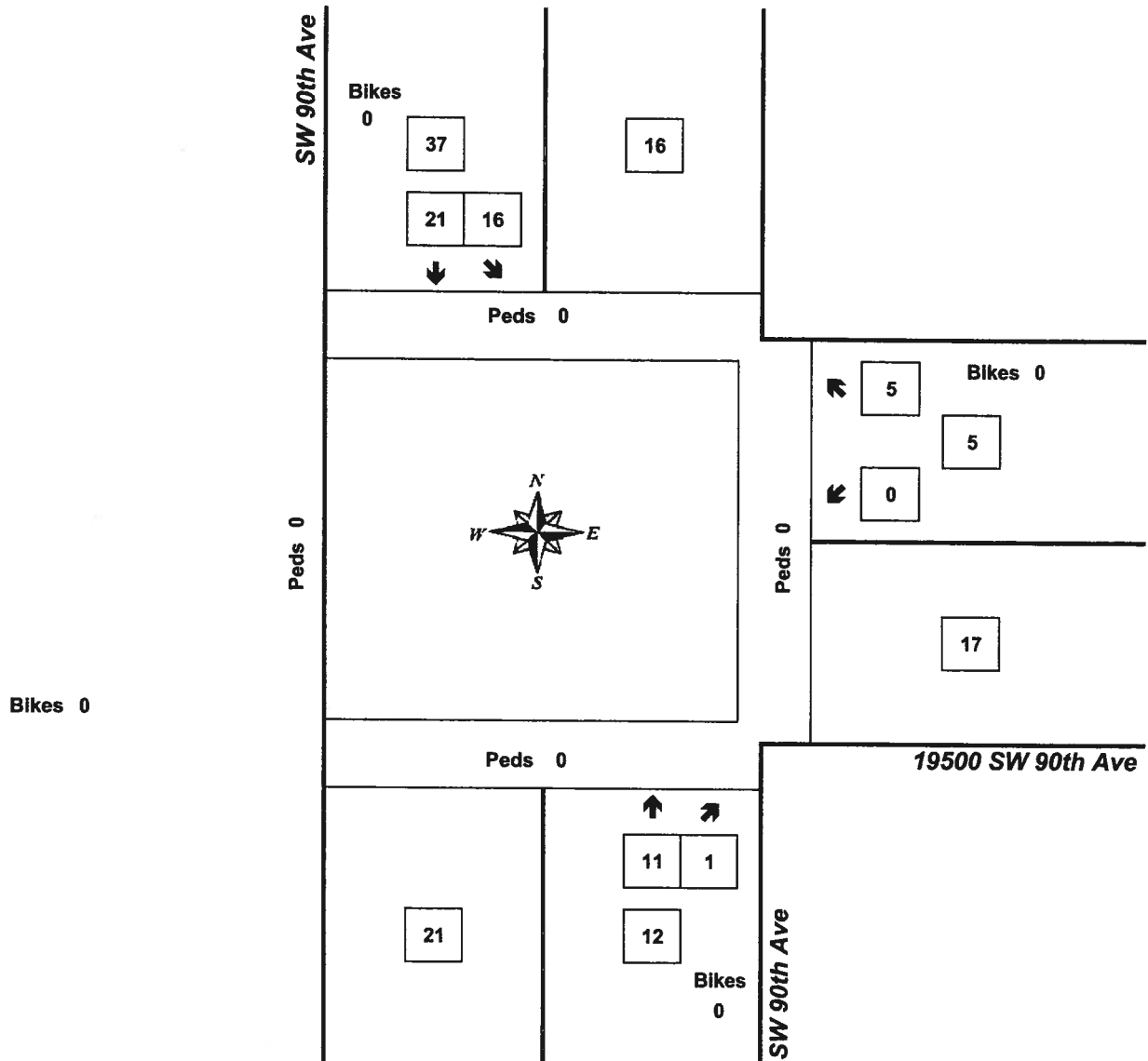
Peak Hour Summary



Clay Carney
(503) 833-2740

SW 90th Ave & 19500 SW 90th Ave

8:00 AM to 9:00 AM
Wednesday, December 09, 2009



Approach	PHF	HV%	Volume
EB	0.00	0.0%	0
WB	0.42	40.0%	5
NB	0.60	25.0%	12
SB	0.84	10.8%	37
Intersection	0.84	16.7%	54

Count Period: 7:00 AM to 9:00 AM

Total Vehicle Summary

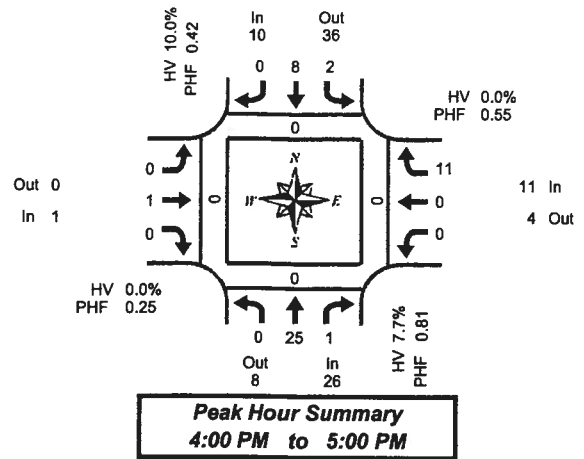


Clay Carney
(503) 833-2740

SW 90th Ave & 19500 SW 90th Ave

Tuesday, December 08, 2009

4:00 PM to 6:00 PM



15-Minute Interval Summary

4:00 PM to 6:00 PM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	0	5	1	0	0	1	0	0	0	1	0	0	0	0	5	0	13	0	0	0	0
4:15 PM	0	7	0	0	0	2	0	0	0	0	0	0	0	0	4	0	13	0	0	0	0
4:30 PM	0	5	0	0	1	0	0	0	0	0	0	0	0	0	2	0	8	0	0	0	0
4:45 PM	0	8	0	0	1	5	0	0	0	0	0	0	0	0	0	0	14	0	0	0	0
5:00 PM	0	3	0	0	0	2	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0
5:15 PM	0	6	0	0	0	0	0	0	0	0	0	0	0	0	2	0	8	0	0	0	0
5:30 PM	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	0
5:45 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Total Survey	0	38	1	0	2	10	0	0	0	1	0	0	0	0	14	0	66	0	0	0	0

Peak Hour Summary

4:00 PM to 5:00 PM

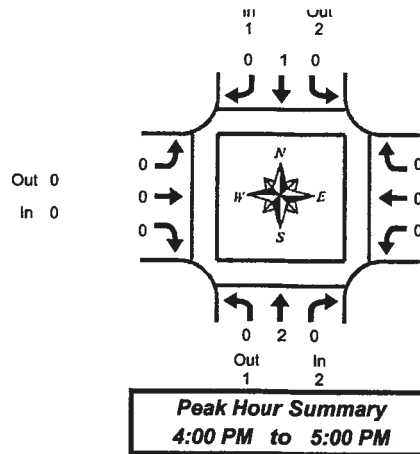
By Approach	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Total	Pedestrians Crosswalk			
	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes	In	Out	Total	Bikes		North	South	East	West
Volume	26	8	34	0	10	36	46	0	1	0	1	0	11	4	15	0	48	0	0	0	0
%HV	7.7%				10.0%				0.0%				0.0%				6.3%				
PHF	0.81				0.42				0.25				0.55				0.86				

By Movement	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Total
	L	T	R	Total	L	T	R	Total	L	T	R	Total	L	T	R	Total	
Volume	0	25	1	26	2	8	0	10	0	1	0	1	0	0	11	11	48
%HV	0.0%	8.0%	0.0%	7.7%	0.0%	12.5%	0.0%	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	6.3%
PHF	0.00	0.78	0.25	0.81	0.50	0.40	0.00	0.42	0.00	0.25	0.00	0.25	0.00	0.00	0.55	0.55	0.86

Rolling Hour Summary

4:00 PM to 6:00 PM

Interval Start Time	Northbound SW 90th Ave				Southbound SW 90th Ave				Eastbound 19500 SW 90th Ave				Westbound 19500 SW 90th Ave				Interval Total	Pedestrians Crosswalk			
	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes	L	T	R	Bikes		North	South	East	West
4:00 PM	0	25	1	0	2	8	0	0	0	1	0	0	0	0	11	0	48	0	0	0	0
4:15 PM	0	23	0	0	2	9	0	0	0	0	0	0	0	0	6	0	40	0	0	0	0
4:30 PM	0	22	0	0	2	7	0	0	0	0	0	0	0	0	4	0	35	0	0	0	0
4:45 PM	0	20	0	0	1	7	0	0	0	0	0	0	0	0	3	0	31	0	0	0	0
5:00 PM	0	13	0	0	0	2	0	0	0	0	0	0	0	0	3	0	18	0	0	0	0



Peak Hour Summary

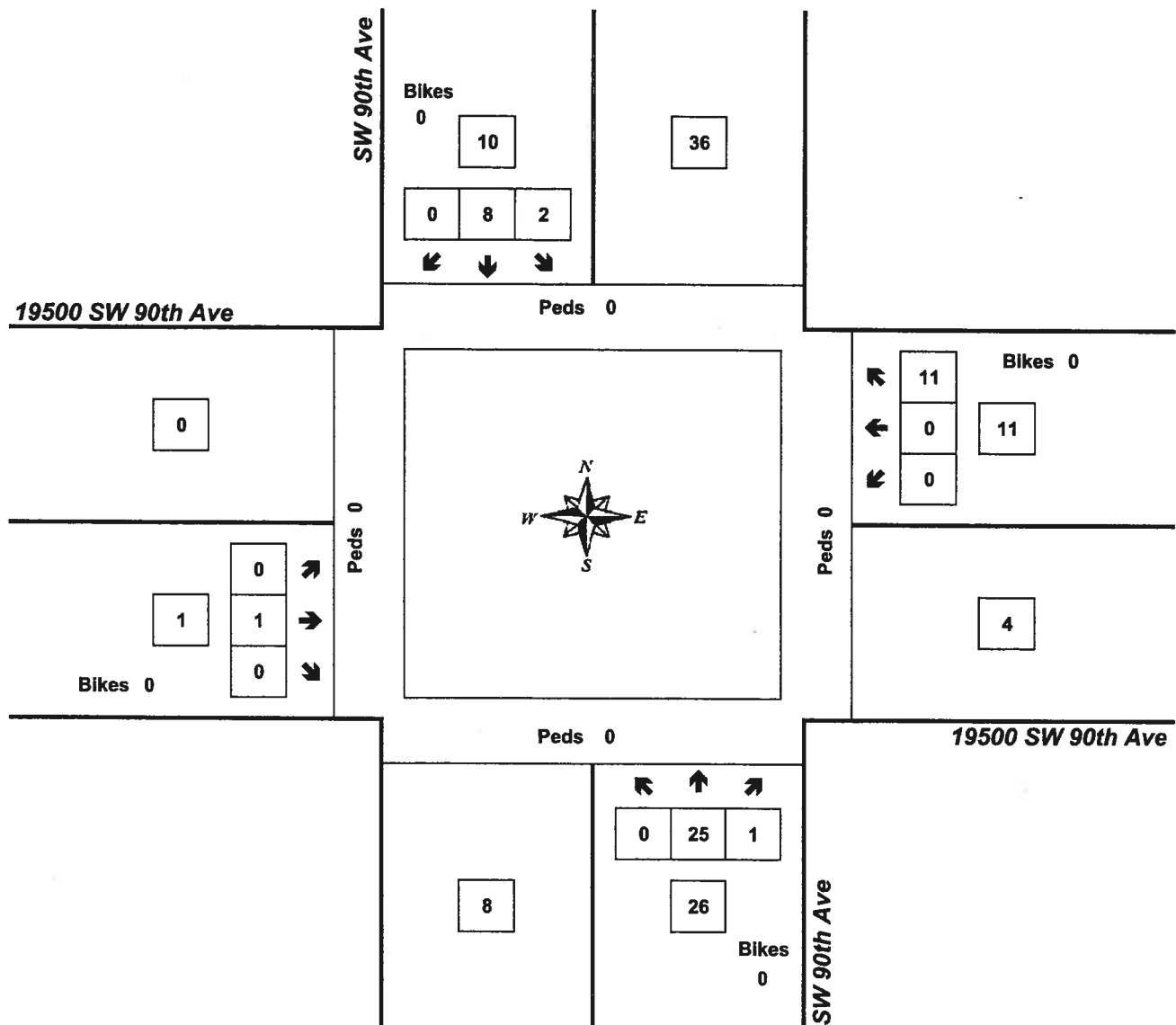


Clay Carney
(503) 833-2740

SW 90th Ave & 19500 SW 90th Ave

4:00 PM to 5:00 PM

Tuesday, December 08, 2009



Approach	PHF	HV%	Volume
EB	0.25	0.0%	1
WB	0.55	0.0%	11
NB	0.81	7.7%	26
SB	0.42	10.0%	10
Intersection	0.86	6.3%	48

Count Period: 4:00 PM to 6:00 PM

HCS+™ DETAILED REPORT

General Information		Site Information	
Analyst	MTA	Intersection	Tualatin Sherwood @ 90th
Agency or Co.	Lancaster	Area Type	All other areas
Date Performed	12/15/2009	Jurisdiction	Washington County
Time Period	AM Peak Hour	Analysis Year	Existing (2009)
		Project ID	MITCH Charter School

Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _i	1	2	0	1	2	1	1	1	0	1	1	1
Lane Group	L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)	40	951	15	27	910	91	9	2	9	65	12	60
% Heavy Vehicles, %HV	10	10	10	9	9	9	20	20	20	8	8	8
Peak-Hour Factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Pretimed (P) or Actuated (A)	A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, l _i	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT	3	3		3	3	3	3	3		3	3	3
Unit Extension, UE	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes	0	0	0	3	0	0	1	0	0	2	0	0
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m												
Buses Stopping, N _b	0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p	3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03	04	NB Only		SB Only		07	08		
Timing	G = 6.7	G = 61.6	G = 0.0	G = 0.0	G = 6.7		G = 6.0		G = 0.0	G = 0.0		
	Y = 4	Y = 5	Y = 0	Y = 0	Y = 5		Y = 5		Y = 0	Y = 0		
Duration of Analysis, T = 0.25							Cycle Length, C = 100.0					

Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	43	1028		29	968	97	10	12		69	13	64
Lane Group Capacity, c	110	2021		111	2045	911	101	93		100	106	89
v/c Ratio, X	0.39	0.51		0.26	0.47	0.11	0.10	0.13		0.69	0.12	0.72
Total Green Ratio, g/C	0.07	0.62		0.07	0.62	0.62	0.07	0.07		0.06	0.06	0.06
Uniform Delay, d ₁	44.7	10.7		44.3	10.4	7.9	43.8	43.9		46.1	44.5	46.2
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.11	0.12		0.11	0.11	0.11	0.11	0.11		0.26	0.11	0.28
Incremental Delay, d ₂	2.3	0.2		1.3	0.2	0.1	0.4	0.6		18.3	0.5	24.4
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	47.0	11.0		45.6	10.6	7.9	44.2	44.5		64.4	45.0	70.6
Lane Group LOS	D	B		D	B	A	D	D		E	D	E
Approach Delay	12.4			11.3			44.4			65.4		
Approach LOS	B			B			D			E		
Intersection Delay	15.5			X _c = 0.48			Intersection LOS			B		

HCS+ DETAILED REPORT

General Information

Analyst MTA
Agency or Co. Lancaster
Date Performed 12/15/2009
Time Period PM Peak Hour

Site Information

Intersection Tualatin Sherwood @ 90th
Area Type All other areas
Jurisdiction Washington County
Analysis Year Existing (2009)
Project ID MITCH Charter School

Volume and Timing Input

			EB			WB			NB			SB		
			LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _i			1	2	0	1	2	1	1	1	0	1	1	1
Lane Group			L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)			92	927	8	13	905	134	9	12	25	86	4	92
% Heavy Vehicles, %HV			7	7	7	9	9	9	7	7	7	2	2	2
Peak-Hour Factor, PHF			0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Pretimed (P) or Actuated (A)			A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, l _i			2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e			2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT			3	3		3	3	3	3	3		3	3	3
Unit Extension, UE			3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I			1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b			0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes			1	0	0	1	0	0	1	0	0	1	0	0
Lane Width			12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking			N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m														
Buses Stopping, N _b			0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p			3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03			04		NB Only		SB Only		07		08
Timing	G = 7.9	G = 66.8	G = 0.0			G = 0.0		G = 6.2		G = 10.1		G = 0.0		G = 0.0
	Y = 4	Y = 5	Y = 0			Y = 0		Y = 5		Y = 5		Y = 0		Y = 0
Duration of Analysis, T = 0.25									Cycle Length, C = 110.0					

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	99	1006		14	973	144	10	40		92	4	99
Lane Group Capacity, c	121	2050		119	2016	899	95	90		163	171	145
v/c Ratio, X	0.82	0.49		0.12	0.48	0.16	0.11	0.44		0.56	0.02	0.68
Total Green Ratio, g/C	0.07	0.61		0.07	0.61	0.61	0.06	0.06		0.09	0.09	0.09
Uniform Delay, d ₁	50.3	12.1		47.8	12.0	9.4	49.3	50.2		47.8	45.5	48.4
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.36	0.11		0.11	0.11	0.11	0.11	0.11		0.16	0.11	0.25
Incremental Delay, d ₂	33.9	0.2		0.4	0.2	0.1	0.5	3.5		4.5	0.1	12.4
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	84.2	12.3		48.2	12.2	9.5	49.8	53.7		52.3	45.5	60.8
Lane Group LOS	F	B		D	B	A	D	D		D	D	E
Approach Delay	18.7			12.3			52.9			56.5		
Approach LOS	B			B			D			E		
Intersection Delay	19.4			X _c = 0.54			Intersection LOS			B		

HCS+ DETAILED REPORT

General Information		Site Information	
Analyst	MTA	Intersection	Tualatin Sherwood @ 90th
Agency or Co.	Lancaster	Area Type	All other areas
Date Performed	12/15/2009	Jurisdiction	Washington County
Time Period	AM Peak Hour	Analysis Year	Background (2010/2011)
		Project ID	MITCH Charter School

Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _i	1	2	0	1	2	1	1	1	0	1	1	1
Lane Group	L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)	41	980	15	28	937	94	9	2	9	67	12	62
% Heavy Vehicles, %HV	10	10	10	9	9	9	20	20	20	8	8	8
Peak-Hour Factor, PHF	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Pretimed (P) or Actuated (A)	A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, l _i	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT	3	3		3	3	3	3	3		3	3	3
Unit Extension, UE	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes	0	0	0	3	0	0	1	0	0	2	0	0
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m												
Buses Stopping, N _b	0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p	3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03	04		NB Only		SB Only		07	08	
Timing	G = 6.7	G = 61.6	G = 0.0	G = 0.0		G = 6.7		G = 6.0		G = 0.0		G = 0.0
	Y = 4	Y = 5	Y = 0	Y = 0		Y = 5		Y = 5		Y = 0		Y = 0
Duration of Analysis, T = 0.25								Cycle Length, C = 100.0				

Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	44	1059		30	997	100	10	12		71	13	66
Lane Group Capacity, c	110	2021		111	2045	911	101	93		100	106	89
v/c Ratio, X	0.40	0.52		0.27	0.49	0.11	0.10	0.13		0.71	0.12	0.74
Total Green Ratio, g/C	0.07	0.62		0.07	0.62	0.62	0.07	0.07		0.06	0.06	0.06
Uniform Delay, d ₁	44.7	10.9		44.3	10.5	7.9	43.8	43.9		46.1	44.5	46.2
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.11	0.13		0.11	0.11	0.11	0.11	0.11		0.27	0.11	0.30
Incremental Delay, d ₂	2.4	0.3		1.3	0.2	0.1	0.4	0.6		20.8	0.5	27.9
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	47.1	11.1		45.6	10.7	8.0	44.2	44.5		67.0	45.0	74.2
Lane Group LOS	D	B		D	B	A	D	D		E	D	E
Approach Delay	12.6			11.4			44.4			68.2		
Approach LOS	B			B			D			E		
Intersection Delay	15.8			X _c = 0.50			Intersection LOS			B		

HCS+™ DETAILED REPORT

General Information				Site Information			
Analyst	MTA			Intersection	Tualatin Sherwood @ 90th		
Agency or Co.	Lancaster			Area Type	All other areas		
Date Performed	12/15/2009			Jurisdiction	Washington County		
Time Period	PM Peak Hour			Analysis Year	Background (2010/2011)		
				Project ID	MITCH Charter School		

Volume and Timing Input												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _i	1	2	0	1	2	1	1	1	0	1	1	1
Lane Group	L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)	95	955	8	13	932	138	9	12	26	89	4	95
% Heavy Vehicles, %HV	7	7	7	9	9	9	7	7	7	2	2	2
Peak-Hour Factor, PHF	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Pretimed (P) or Actuated (A)	A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, I ₁	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e	2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT	3	3		3	3	3	3	3		3	3	3
Unit Extension, UE	3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes	1	0	0	1	0	0	1	0	0	1	0	0
Lane Width	12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m												
Buses Stopping, N _b	0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p	3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03	04		NB Only		SB Only		07		08
Timing	G = 7.9	G = 66.8	G = 0.0	G = 0.0		G = 6.2		G = 10.1		G = 0.0		G = 0.0
	Y = 4	Y = 5	Y = 0	Y = 0		Y = 5		Y = 5		Y = 0		Y = 0
Duration of Analysis, T = 0.25								Cycle Length, C = 110.0				

Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	102	1036		14	1002	148	10	41		96	4	102
Lane Group Capacity, c	121	2051		119	2016	899	95	90		163	171	145
v/c Ratio, X	0.84	0.51		0.12	0.50	0.16	0.11	0.46		0.59	0.02	0.70
Total Green Ratio, g/C	0.07	0.61		0.07	0.61	0.61	0.06	0.06		0.09	0.09	0.09
Uniform Delay, d ₁	50.4	12.2		47.8	12.2	9.4	49.3	50.3		48.0	45.5	48.5
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.38	0.11		0.11	0.11	0.11	0.11	0.11		0.18	0.11	0.27
Incremental Delay, d ₂	38.9	0.2		0.4	0.2	0.1	0.5	3.6		5.5	0.1	14.3
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	89.3	12.4		48.2	12.3	9.5	49.8	53.9		53.5	45.5	62.8
Lane Group LOS	F	B		D	B	A	D	D		D	D	E
Approach Delay	19.3			12.4			53.1			58.0		
Approach LOS	B			B			D			E		
Intersection Delay	19.9			X _c = 0.55			Intersection LOS			B		

HCS+ DETAILED REPORT

General Information		Site Information	
Analyst	MTA	Intersection	Tualatin Sherwood @ 90th
Agency or Co.	Lancaster	Area Type	All other areas
Date Performed	12/15/2009	Jurisdiction	Washington County
Time Period	AM Peak Hour	Analysis Year	Background plus Site
		Project ID	MITCH Charter School

Volume and Timing Input													
		EB			WB			NB			SB		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _l		1	2	0	1	2	1	1	1	0	1	1	1
Lane Group		L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)		41	980	58	90	937	94	44	17	60	67	31	62
% Heavy Vehicles, %HV		10	10	10	9	9	9	20	20	20	8	8	8
Peak-Hour Factor, PHF		0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94	0.94
Pretimed (P) or Actuated (A)		A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, I _l		2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e		2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT		3	3		3	3	3	3	3		3	3	3
Unit Extension, UE		3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I		1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b		0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes		0	0	0	3	0	0	1	0	0	2	0	0
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking		N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m													
Buses Stopping, N _b		0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p		3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03	04		NB Only		SB Only		07	08		
Timing	G = 6.1	G = 43.2	G = 0.0	G = 0.0		G = 6.1		G = 5.6		G = 0.0		G = 0.0	
	Y = 4	Y = 5	Y = 0	Y = 0		Y = 5		Y = 5		Y = 0		Y = 0	
Duration of Analysis, T = 0.25								Cycle Length, C = 80.0					

Lane Group Capacity, Control Delay, and LOS Determination												
	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	44	1105		96	997	100	47	82		71	33	66
Lane Group Capacity, c	125	1761		126	1792	798	115	106		117	123	104
v/c Ratio, X	0.35	0.63		0.76	0.56	0.13	0.41	0.77		0.61	0.27	0.63
Total Green Ratio, g/C	0.08	0.54		0.08	0.54	0.54	0.08	0.08		0.07	0.07	0.07
Uniform Delay, d ₁	35.1	12.8		36.2	12.1	9.1	35.2	36.3		36.1	35.3	36.2
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.11	0.21		0.31	0.15	0.11	0.11	0.32		0.19	0.11	0.21
Incremental Delay, d ₂	1.7	0.7		23.6	0.4	0.1	2.4	29.2		8.7	1.2	12.0
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	36.8	13.5		59.8	12.5	9.1	37.6	65.4		44.9	36.4	48.2
Lane Group LOS	D	B		E	B	A	D	E		D	D	D
Approach Delay	14.4			16.0			55.3			44.5		
Approach LOS	B			B			E			D		
Intersection Delay	19.1			X _c = 0.66			Intersection LOS			B		

HCS+ DETAILED REPORT

General Information

Analyst MTA
Agency or Co. Lancaster
Date Performed 12/15/2009
Time Period PM Peak Hour

Site Information

Intersection Tualatin Sherwood @ 90th
Area Type All other areas
Jurisdiction Washington County
Analysis Year Background plus Site
Project ID MITCH Charter School

Volume and Timing Input

		EB			WB			NB			SB		
		LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Number of Lanes, N _i		1	2	0	1	2	1	1	1	0	1	1	1
Lane Group		L	TR		L	T	R	L	TR		L	LT	R
Volume, V (vph)		95	955	33	48	932	138	37	24	65	89	15	95
% Heavy Vehicles, %HV		7	7	7	9	9	9	7	7	7	2	2	2
Peak-Hour Factor, PHF		0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Pretimed (P) or Actuated (A)		A	A	A	A	A	A	A	A	A	A	A	A
Start-up Lost Time, I _i		2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Extension of Effective Green, e		2.0	2.0		2.0	2.0	2.0	2.0	2.0		2.0	2.0	2.0
Arrival Type, AT		3	3		3	3	3	3	3		3	3	3
Unit Extension, UE		3.0	3.0		3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Filtering/Metering, I		1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Initial Unmet Demand, Q _b		0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Ped / Bike / RTOR Volumes		1	0	0	1	0	0	1	0	0	1	0	0
Lane Width		12.0	12.0		12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Parking / Grade / Parking		N	0	N	N	0	N	N	0	N	N	0	N
Parking Maneuvers, N _m													
Buses Stopping, N _b		0	0		0	0	0	0	0		0	0	0
Min. Time for Pedestrians, G _p		3.2			3.2			3.2			3.2		
Phasing	Excl. Left	Thru & RT	03	04		NB Only		SB Only		07		08	
Timing	G = 6.2	G = 31.2	G = 0.0	G = 0.0		G = 6.5		G = 7.1		G = 0.0		G = 0.0	
	Y = 4	Y = 5	Y = 0	Y = 0		Y = 5		Y = 5		Y = 0		Y = 0	
Duration of Analysis, T = 0.25								Cycle Length, C = 70.0					

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Adjusted Flow Rate, v	102	1062		52	1002	148	40	96		96	16	102
Lane Group Capacity, c	149	1499		147	1479	660	157	147		180	189	160
v/c Ratio, X	0.68	0.71		0.35	0.68	0.22	0.25	0.65		0.53	0.08	0.64
Total Green Ratio, g/C	0.09	0.45		0.09	0.45	0.45	0.09	0.09		0.10	0.10	0.10
Uniform Delay, d ₁	31.0	15.7		30.0	15.4	11.9	29.5	30.7		29.9	28.5	30.2
Progression Factor, PF	1.000	1.000		1.000	1.000	1.000	1.000	1.000		1.000	1.000	1.000
Delay Calibration, k	0.25	0.27		0.11	0.25	0.11	0.11	0.23		0.14	0.11	0.22
Incremental Delay, d ₂	12.3	1.6		1.5	1.3	0.2	0.9	9.9		3.1	0.2	8.2
Initial Queue Delay, d ₃	0.0	0.0		0.0	0.0	0.0	0.0	0.0		0.0	0.0	0.0
Control Delay	43.2	17.3		31.5	16.7	12.1	30.4	40.6		32.9	28.7	38.4
Lane Group LOS	D	B		C	B	B	C	D		C	C	D
Approach Delay	19.6			16.7			37.6			35.2		
Approach LOS	B			B			D			D		
Intersection Delay	20.5			X _c = 0.69			Intersection LOS			C		

TWO-WAY STOP CONTROL SUMMARY

General Information				Site Information				
Analyst	MTA			Intersection	90th Court at Site Access			
Agency/Co.	Lancaster			Jurisdiction	City of Tualatin			
Date Performed	12/15/2009			Analysis Year	Existing (2009)			
Analysis Time Period	AM Peak Hour							
Project Description: MITCH Charter School								
East/West Street: SW 90th Court				North/South Street: Site Access				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		11	1	16	21			
Peak-Hour Factor, PHF	1.00	0.84	0.84	0.84	0.84	1.00		
Hourly Flow Rate, HFR (veh/h)	0	13	1	19	25	0		
Percent Heavy Vehicles	0	--	--	11	--	--		
Median Type	Undivided							
RT Channelized			0			0		
Lanes	0	1	0	0	1	0		
Configuration			TR	LT				
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	0		5					
Peak-Hour Factor, PHF	0.84	1.00	0.84	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	0	0	5	0	0	0		
Percent Heavy Vehicles	40	0	40	0	0	0		
Percent Grade (%)	0			0				
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	0	0	0	0	0	0		
Configuration		LR						
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		19		5				
C (m) (veh/h)		1547		966				
v/c		0.01		0.01				
95% queue length		0.04		0.02				
Control Delay (s/veh)		7.4		8.7				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.7					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	MTA		Intersection	90th Court at Site Access
Agency/Co.	Lancaster		Jurisdiction	City of Tualatin
Date Performed	12/15/2009		Analysis Year	Existing (2009)
Analysis Time Period	PM Peak Hour			

Project Description: MITCH Charter School

East/West Street: SW 90th Court

North/South Street: Site Access

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		25	1	2	8	
Peak-Hour Factor, PHF	1.00	0.86	0.86	0.86	0.86	1.00
Hourly Flow Rate, HFR (veh/h)	0	29	1	2	9	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0		11			
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	0	12	0	0	0
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration		LR				

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		2		12				
C (m) (veh/h)		1533		1050				
v/c		0.00		0.01				
95% queue length		0.00		0.03				
Control Delay (s/veh)		7.4		8.5				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.5					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	MTA		Intersection	90th Court at Site Access
Agency/Co.	Lancaster		Jurisdiction	City of Tualatin
Date Performed	12/15/2009		Analysis Year	Background (2010/1011)
Analysis Time Period	AM Peak Hour			

Project Description MITCH Charter School				
East/West Street: SW 90th Court			North/South Street: Site Access	
Intersection Orientation: East-West			Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		11	1	16	22	
Peak-Hour Factor, PHF	1.00	0.84	0.84	0.84	0.84	1.00
Hourly Flow Rate, HFR (veh/h)	0	13	1	19	26	0
Percent Heavy Vehicles	0	--	--	11	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0		5			
Peak-Hour Factor, PHF	0.84	1.00	0.84	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	0	5	0	0	0
Percent Heavy Vehicles	40	0	40	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration		LR				

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		19		5				
C (m) (veh/h)		1547		966				
v/c		0.01		0.01				
95% queue length		0.04		0.02				
Control Delay (s/veh)		7.4		8.7				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.7					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	MTA		Intersection	90th Court at Site Access
Agency/Co.	Lancaster		Jurisdiction	City of Tualatin
Date Performed	12/15/2009		Analysis Year	Background (2010/2011)
Analysis Time Period	PM Peak Hour			

Project Description: MITCH Charter School

East/West Street: SW 90th Court

North/South Street: Site Access

Intersection Orientation: East-West

Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		26	1	2	8	
Peak-Hour Factor, PHF	1.00	0.86	0.86	0.86	0.86	1.00
Hourly Flow Rate, HFR (veh/h)	0	30	1	2	9	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0		11			
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	0	12	0	0	0
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration		LR				

Delay, Queue Length, and Level of Service

Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		2		12				
C (m) (veh/h)		1531		1050				
v/c		0.00		0.01				
95% queue length		0.00		0.03				
Control Delay (s/veh)		7.4		8.5				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.5					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	MTA		Intersection	90th Court at Site Access
Agency/Co.	Lancaster		Jurisdiction	City of Tualatin
Date Performed	12/15/2009		Analysis Year	Background plus Site
Analysis Time Period	AM Peak Hour			

Project Description: MITCH Charter School				
East/West Street: SW 90th Court			North/South Street: Site Access	
Intersection Orientation: East-West			Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments						
Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		11	1	140	22	
Peak-Hour Factor, PHF	1.00	0.84	0.84	0.84	0.84	1.00
Hourly Flow Rate, HFR (veh/h)	0	13	1	166	26	0
Percent Heavy Vehicles	0	--	--	11	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0		106			
Peak-Hour Factor, PHF	0.84	1.00	0.84	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	0	126	0	0	0
Percent Heavy Vehicles	15	0	15	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration		LR				

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		166		126				
C (m) (veh/h)		1547		1029				
v/c		0.11		0.12				
95% queue length		0.36		0.42				
Control Delay (s/veh)		7.6		9.0				
LOS		A		A				
Approach Delay (s/veh)	--	--	9.0					
Approach LOS	--	--	A					

TWO-WAY STOP CONTROL SUMMARY

General Information			Site Information	
Analyst	MTA		Intersection	90th Court at Site Access
Agency/Co.	Lancaster		Jurisdiction	City of Tualatin
Date Performed	12/15/2009		Analysis Year	Background plus Site
Analysis Time Period	PM Peak Hour			

Project Description MITCH Charter School				
East/West Street: SW 90th Court			North/South Street: Site Access	
Intersection Orientation: East-West			Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments						
Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)		26	1	73	8	
Peak-Hour Factor, PHF	1.00	0.86	0.86	0.86	0.86	1.00
Hourly Flow Rate, HFR (veh/h)	0	30	1	84	9	0
Percent Heavy Vehicles	0	--	--	10	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration			TR	LT		
Upstream Signal		0			0	
Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0		90			
Peak-Hour Factor, PHF	0.86	1.00	0.86	1.00	1.00	1.00
Hourly Flow Rate, HFR (veh/h)	0	0	104	0	0	0
Percent Heavy Vehicles	5	0	5	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration		LR				

Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		LT		LR				
v (veh/h)		84		104				
C (m) (veh/h)		1531		1036				
v/c		0.05		0.10				
95% queue length		0.17		0.33				
Control Delay (s/veh)		7.5		8.9				
LOS		A		A				
Approach Delay (s/veh)	--	--	8.9					
Approach LOS	--	--	A					

Projected Queues at Proposed MITCH Site

(assumes double-loading, 6 vehicles deep, release time of 3:10PM)

Time	Queue	Arrivals	Departures	Total Served
3:08 PM	27	3		0
3:09 PM	30	3		0
3:10 PM	33	3		0
3:11 PM	36	3		0
3:12 PM	39	3		0
3:13 PM	42	3		0
3:14 PM	45	3		0
3:15 PM	48	3	5	5 < Peak Queue
3:16 PM	46	3	5	10
3:17 PM	44	3	5	15
3:18 PM	42	3	5	20
3:19 PM	40	3	5	25
3:20 PM	38	3	5	30
3:21 PM	36	3	5	35
3:22 PM	34	3	5	40
3:23 PM	32	3	5	45
3:24 PM	30	3	5	50
3:25 PM	28	3	5	55
3:26 PM	26	3	5	60
3:27 PM	24	3	5	65
3:28 PM	22	3	5	70
3:29 PM	20	3	5	75
3:30 PM	18	3	5	80
3:31 PM	16	3	5	85
3:32 PM	14	1	5	90
3:33 PM	10		5	95
3:34 PM	5		5	100
3:35 PM	0			100

Notes: Queues are expected to peak at 3:15, after which parent vehicles will begin leaving the site at a rate exceeding the arrival rate. The departure of the first 12 vehicles from the main loading zone will provide space for a dozen additional vehicles.

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
CRASH SUMMARIES BY YEAR BY COLLISION TYPE

Tualatin Sherwood Road @ SW 90th Avenue / SW 90th Court
January 1, 2004 through December 31, 2008

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2008														
REAR-END	0	0	3	3	0	0	0	2	1	3	0	3	0	0
2008 TOTAL	0	0	3	3	0	0	0	2	1	3	0	3	0	0
YEAR: 2007														
REAR-END	0	1	2	3	0	2	0	0	3	3	0	3	0	0
2007 TOTAL	0	1	2	3	0	2	0	0	3	3	0	3	0	0
YEAR: 2006														
TURNING MOVEMENTS	0	1	0	1	0	3	0	0	1	0	1	1	0	0
2006 TOTAL	0	1	0	1	0	3	0	0	1	0	1	1	0	0
YEAR: 2005														
REAR-END	0	2	0	2	0	2	1	2	0	2	0	2	0	0
2005 TOTAL	0	2	0	2	0	2	1	2	0	2	0	2	0	0
YEAR: 2004														
REAR-END	0	0	1	1	0	0	0	1	0	1	0	1	0	0
2004 TOTAL	0	0	1	1	0	0	0	1	0	1	0	1	0	0
FINAL TOTAL	0	4	6	10	0	7	1	5	5	9	1	10	0	0

Note: Legislative changes to DMV's vehicle crash reporting requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

Tualatin Sherwood Road @ SW 90th Avenue / SW 90th Court
January 1, 2004 through December 31, 2008

[illegible]

Tualatin Sherwood Road @ SW 90th Avenue / SW 90th Court
January 1, 2004 through December 31, 2008

SER#	S D P R S W			DATE	CLASS	CITY STREET	RD CHAR	INT-TYP	INT-REL	OFF-RD	WTHR	CRASH TYP	SPCL USE		PRTC	INJ	A S		PED	LOC	ERROR	ACTN	EVENT	CAUSE				
	E L G H R	C	L K										TRLR QTY	MOVE FROM			G E	LICNS							X RES			
																										OWNER	VEH TYPE	E
INVEST	C	L	K	TIME	DIST	FIRST STREET	DIRECT	LEGS	TRAF-	RNDT	SURF	COLL TYP	V#	VEH TYPE	P#	TYPE	SVRTY	E	X	RES	LOC	ERROR	ACTN	EVENT	CAUSE			
07531	N	N	N	12/03/2007	16	SW TUALATIN-SHERWOOD	INTER	CROSS	N		RAIN	S-1STOP	01	NONE	0	STRGHT								07				
CITY				Mon	0	SW 90TH CT	W		TRF	SIGNAL	N	WET	REAR			W	E						000	00				
				2P			06	0			N	DAY	PDO			PSNGR	CAR			01	DRVR	NONE	39	M	OR-Y	026	000	07

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
 TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
 CRASH SUMMARIES BY YEAR BY COLLISION TYPE

SW 90th Court from SW Tualatin Sherwood Road
 January 1, 2004 through December 31, 2008

COLLISION TYPE	FATAL CRASHES	NON- FATAL CRASHES	PROPERTY DAMAGE ONLY	TOTAL CRASHES	PEOPLE KILLED	PEOPLE INJURED	TRUCKS	DRY SURF	WET SURF	DAY	DARK	INTER- SECTION	INTER- SECTION RELATED	OFF- ROAD
YEAR: 2007														
REAR-END	0	1	0	1	0	1	1	1	0	1	0	0	0	1
2007 TOTAL	0	1	0	1	0	1	1	1	0	1	0	0	0	1
FINAL TOTAL	0	1	0	1	0	1	1	1	0	1	0	0	0	1

Note: Legislative changes to DMV's vehicle crash reporting requirements, effective 01/01/2004, may result in fewer property damage only crashes being eligible for inclusion in the Statewide Crash Data File.

SW 90th Court from SW Tualatin Sherwood Road
January 1, 2004 through December 31, 2008

[illegible]

Colin Cortes

From: Alex Stout [AStout@tmrippy.com]
Sent: Wednesday, February 24, 2010 11:22 AM
To: Colin Cortes
Cc: Lans Stout; Debi Lorence
Subject: RE: More info needed for MITCH School CUP app (CUP-10-02)

Please see my responses in red, below. Do you have a site plan from us (or maybe from CIDA, Inc.)? Our site plan shows the parking stalls that will be dedicated to the NWRES and to the M.I.T.C.H. school.

Thanks,
Alex

Alex Stout
Civil Engineering Designer | Land Use Planner
TM Rippey Consulting Engineers | www.tmrippy.com
503.443.3900 office | 503.443.3700 fax | 503.318.3722 mobile

From: Colin Cortes [mailto:CCortes@ci.tualatin.or.us]
Sent: Tuesday, February 23, 2010 8:22 AM
To: Alex Stout
Subject: RE: More info needed for MITCH School CUP app (CUP-10-02)

Alex,

E-mail's ok.

Colin Cortes, AICP, CNU-A
Assistant Planner | Planning

From: Alex Stout [mailto:AStout@tmrippy.com]
Sent: Tuesday, February 23, 2010 7:54 AM
To: Colin Cortes
Subject: RE: More info needed for MITCH School CUP app (CUP-10-02)

Thanks Colin. Do you want a simple email response to this? Or do you want an addendum on letterhead? Thanks for your input with this.

Alex

Alex Stout
Civil Engineering Designer | Land Use Planner
TM Rippey Consulting Engineers | www.tmrippy.com
503.443.3900 office | 503.443.3700 fax | 503.318.3722 mobile

From: Colin Cortes [mailto:CCortes@ci.tualatin.or.us]
Sent: Monday, February 22, 2010 11:29 AM
To: Alex Stout; Lans Stout

Cc: debi@mitchcharterschool.org

Subject: More info needed for MITCH School CUP app (CUP-10-02)

Dear Alex, Lans, and Debi,

Following review of the app and the first draft staff report by Doug (the Community Development Director), more info is needed:

- The number of M.I.T.C.H. teachers and other employees who'd be on site.

9 full-time teachers; 3 part-time teachers; 2 full-time administrator, 1 part-time administrator; 3 specialty teachers (¾-time teachers).

- Bullet 1 of the traffic study executive summary mentioned that maximum possible enrollment would be 250 students. What's the present student enrollment, and how's it predicted to grow within the next few years?

Present student enrollment: 147. They will add 3 grades next year; 6th, 7th and 8th grades.

- Describe in more detail how M.I.T.C.H. would implement the coordination of the vehicle circulation plan with NWRES D as mentioned on p. 3 of the app narrative.

We will have one sign at the "Y" in the entry directing NWRES D clients to the right and M.I.T.C.H. clients to the left. We will also have a sign at the east end of the north parking area that will say: "M.I.T.C.H. SCHOOL STAY RIGHT – THROUGH TRAFFIC STAY LEFT". We want NWRES D clients to the left and M.I.T.C.H. to the right. There will be a "drop-off and pick-up" area designated by striping on the south side of the building, near the M.I.T.C.H. play area. At the end of the "drop-off and play area" a traffic flow arrow and "ONE WAY – DO NOT ENTER" will be painted on the pavement surface.

The M.I.T.C.H. school day will also be starting and ending 15 minutes earlier than NWRES D.

- Illustrate the individual parking spaces on the proposed site plan and note the number of spaces that'd be assigned to MITCH and NWRES D.

55 spaces to M.I.T.C.H.; 39 spaces to NWRES D. If you do not have a site plan that shows theses designated spaces I can provide you with one.

Please provide this info by this Wednesday by about 1 p.m. for inclusion in the final staff report.

Sincerely,

Colin Cortes, AICP, CNU-A

Assistant Planner

City of Tualatin | Planning

503.691.3024 | www.ci.tualatin.or.us



Please consider the environment before printing this email.

DISCLAIMER: This email is a public record of the City of Tualatin and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

*Submitted for the record
by the applicant on 3/8/10*

March 8, 2010

M.I.T.C.H. School
City of Tualatin CUP-10-02

ALTERNATIVE WORDING FOR THE STAFF RECOMMENDED CONDITIONS OF
APPROVAL, SUGGESTED BY THE APPLICANT:

1. The student loading area south of the building shall be designed so that Code compliant vehicle parking and aisle dimensions are maintained and not impacted by the loading activity.
2. The south property line shall be secured by a fence. The design and dimensions of the fence shall be determined through the Architectural Review process.
3. This approval is limited to grades K-8 and a maximum of 250 students.

Colin Cortes

From: Kenneth Itel [ken.ital@gmail.com]
Sent: Monday, March 08, 2010 4:32 PM
To: Doug Rux; Colin Cortes; Sherilyn Lombos
Subject: comments on CUP-10-02
Attachments: letter to Tualatin CUP-10-02.docx

Please add this to the record for CUP-10-02 and provide a copy to the Council. Thanks, Ken Itel

3/8/2010 Comments Regarding CUP-10-02

We are writing in objection to the conditional use permit application (CUP-10-02) for a kindergarten through 12th grade school, in the light manufacturing (ML) planning district at 19550 SW 90th Court. As owners of the property at 19435 SW 90th Court and the original owners of the property on which the Intel Industrial Park was developed, we believe a school is an inappropriate and incompatible use within an industrial park.

The intent of the light manufacturing district is to provide opportunities for businesses engaged in manufacturing, assembly, packaging and processing. Although listed as a conditional use in the ML district, a primary school in no way relates to the allowed uses in the zone and is in many ways incompatible. Such uses typically involve considerable truck traffic and use of other heavy equipment. Mixing in numerous trips of parents picking up and delivering children and/or school buses is not a preferable situation for many industrial users, particularly when the street used for accessing the school is the only street providing access to all tenants within the industrial park.

In addition, a number of uses allowed within the ML district could prove to be incompatible with a school. Uses such as commercial scale dry-cleaning, electroplating, warehousing and manufacturing of pottery and clay products may produce noises and odors which would be disturbing to a school environment. While the standards of the ML district require processes to be largely contained within the facility, buildings are not sound or odor-proof and typical activities during the work day such as the opening and closing of loading dock doors, moving equipment, and trucks loading out materials and making deliveries may temporarily expose the school environment to sources of discomfort, which would otherwise be considered a normal part of a manufacturing environment. If a school is allowed to locate within an industrial park and parents, students or teachers later complain about the operations of an adjacent business, it places the business owner in an awkward position. Even though the business may be an allowed use in the zone, if a school complains it puts the business in the position of defending itself. Even if the business is operating completely within allowable parameters, the complaints of the school (effects on children) are likely to be the viewpoint that resonates with the community at large. The business, although an allowed use, may lose the public relations battle, forcing it to change operations in favor of the conditional use.

We don't believe the staff report or application adequately addresses potential impacts on possible future uses within the industrial park. While current uses in the park are relatively benign, allowed uses in the future could prove to be much less compatible with a school use. The potential impacts of the proposed conditional use should address not only the impacts on the current uses within the park, but any potential allowed use in the future. If not properly addressed, potential future tenants within the industrial park could be dissuaded from locating there because of a fear of impacting the school or having to alter operations because of the proximity of the school. The fact that the use may be allowed in the ML district is not necessarily as persuasive as the reluctance of industrial tenants to potentially come into conflict with a school. The potential impact on the ability to attract future tenants is of particular concern not only to the Itels, but to other property owners within the park as well. Vacancy rates for industrial properties are high, and given

the particularly difficult economy, any conditional use that may impact the ability to attract tenants is of great concern.

The amount of traffic generated by the proposed school is also troubling. Although the application and staff report portray the additional trips as a minor addition to the existing traffic from the industrial park, it is the magnitude of increase that should be the concern. We also note that a wholesale food packaging and delivery business, which generates a number of trips from the industrial park, was not identified in the application or staff narrative. It is significant that, according to the submitted traffic study, the total number of additional trips generated by the school is **almost 500% greater** than the allowed use in the ML district with the highest trip generation (single-tenant office). **(375 AM and PM peak trips versus 78 trips.)** While the adjacent roadway system can accommodate the additional trips, it is the potential impacts on allowed industrial uses that are the issue.

Most of the school trips are during AM and PM peak hours, which are also the typical peak hours for many businesses. Large delivery trucks and employees would be entering and leaving the park during the same period. As much as the impact on existing tenants is a concern, the impact on future tenants is also relevant. A potential industrial tenant observing the large influx of cars, school buses and children at the peak times may be disinclined to locate in the park, as logically a business owner may be reluctant to mix large delivery trucks, tractor-trailers and employee vehicles with school traffic. It is an issue of perception issue as well as actual impact. It is also not solely a level-of-service function of the adjacent street, but the magnitude of the increase in trips compared to trips from allowed uses in the park.

We believe the requested conditional use approval is also fundamentally at odds with the Tualatin Community Plan, the applicable policies of which are in TDC Section 8.040-Public, Semi-Public and Miscellaneous Land Uses – Schools. TDC 8.040(1)(b) states, “Locate elementary school sites, wherever possible, adjacent to neighborhood park sites, and integrate the location of such schools into the residential neighborhoods they are designed to serve.” Even more important, and which is not quoted in the application or staff report is TDC 8.040(1)(d) which states, “Locate all schools providing primary and secondary education **as far as possible from commercial and industrial districts**, unless the education provided would be **vocational in nature**.” (Emphasis added).

The proposed site of the school is not adjacent to a neighborhood park site, nor is integrated into a residential neighborhood. A neighborhood is located across the railroad tracks, but the school is not accessible from that residential area by pedestrians or bicyclists. While the proposed school has no regulated boundary, it is probably an accurate assumption that many students come from within the Tigard-Tualatin school district, including some from Tualatin residential neighborhoods. Locating within an industrial park that has no physical connection to any residential neighborhoods does not seem to follow either the letter or the spirit of TDC 8.040(1)(b).

The requirement of TDC 8.040(1)(d) to locate all schools as far as possible from commercial and industrial districts is even more relevant. Locating a school in the middle

of an established industrial park is completely at odds with this requirement. Three examples of conditional use approvals for schools in a ML districts are cited as precedent. While we would also argue that locating the Northwest Regional Education Service District Early Intervention Center in the Itel Industrial Park was also not a compatible use, at least the scale of the use and the utilization of buses for transport somewhat mitigates the impact of the school. The other two examples of schools in the ML zone have fundamental differences.

First, the Children's Hour Academy at 17650 SW 65th Avenue abuts a large CG zoning district which is occupied by a shopping center. A Federal Express distribution center is also located at the end of SW 65th. The amount of trips generated by the shopping center and FedEx dwarf the amount of trips generated by the school to the point that additional trips from the school are likely barely noticeable compared to the existing background traffic. By comparison the additional trips added by the proposed school at SW 90th Court would be several orders of magnitude greater than the current trips from the industrial park. It is also significant that businesses in the area of the school on SW 65th have several alternate means of access, including SW 63rd Avenue. The tenants in Itel Industrial park must all access Tualatin-Sherwood Road via SW 90th Court.

Tualatin Elementary School at 20405 SW 95th Avenue is also an example. A fundamental difference of this example is that the school was located on an undeveloped parcel *and not within a self-contained industrial park*. It also does not share any roadway access with adjacent industrial users. In fact, the prohibition of through truck traffic on SW Avery Street means that nearby industrial uses direct truck traffic west on Avery to SW Teton or SW Tualatin-Sherwood, or for industrial uses to the north or the school, truck traffic heads north on SW 95th to Tualatin-Sherwood Road. The school is also buffered from industrial development to the north by a large open field. Another significant difference is that the school is bordered on the east and south by fully developed residential neighborhoods. These neighborhoods also have bicycle and pedestrian access to the school and the school provides bus transportation for students, reducing the number of automobile trips and potential conflicts with industrial traffic.

We ask the Tualatin City Council carefully consider the arguments presented. We believe that the facts presented above should result in a denial of the requested conditional use permit. Thank you for your attention to this matter.

Earl J. Itel
Loris D. Itel



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
William Harper, Associate Planner *WH*

DATE: March 8, 2010

SUBJECT: RESOLUTION APPROVING A DEVELOPMENT AGREEMENT
BETWEEN THE CITY OF TUALATIN AND LEGACY HEALTH
SYSTEMS

ISSUE BEFORE THE COUNCIL:

City Council consideration of adopting a resolution approving a Non-Statutory Development Agreement (the "Agreement") between the City of Tualatin and Legacy Health Systems (Legacy). The purpose of the Agreement is to address the development issues associated with future expansion of the Legacy Meridian Park Medical Center facility onto the 19.6 acre Legacy property (the "Property") located on SW Borland Road. (See Attachment A for location map).

RECOMMENDATION:

Staff recommends the City Council consider the attached resolution (Attachment D) and provide direction.

EXECUTIVE SUMMARY:

- This action does not require a public hearing.
- The area affected by this Agreement is property generally referred to as the vicinity of the Property located at 6001, 6021, 6031, and 6041 SW Borland Road comprising approximately 19.6 acres (Clackamas County Assessors Map 21E 19C Tax Lots 1700 & 2000) in the RL (Low-Density Residential) Planning District. The Property adjoins the Legacy Meridian Park Medical Center (LMPMC) campus in the MC (Medical Center) Planning District.
- The City of Tualatin is currently considering an application by Legacy for a Plan Map Amendment (PMA-09-03) to change the designation of the Property from RL to MC. The first public hearing was held on November 9, 2009, continued at the request of Legacy to January 25, 2010, February 8, 2010 and to a public hearing on March 8, 2010. Legacy is the owner of the unimproved Property and owns as a parent corporation the adjacent 46 acre property occupied by the

LMPMC facility. In the future, Legacy intends to expand the LMPMC onto the Property with buildings and site improvements in compliance with the standards and allowed uses of the MC Planning District. The proposed PMA-09-03 would change the property designation to the MC Planning District to match the current LMPMC site designation.

- During the November 9, 2009 public hearing for PMA-09-03, there were questions and concerns raised about future development on the Property and development issues such as public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site & off-site public improvements including sanitary sewer, stormwater management & street improvements; and development standards including building & parking setbacks, building height, landscape buffers & lighting. The development issues listed are addressed in a land use process (such as Architectural Review) when a specific development or property improvement is proposed, but are not issues to mitigate or require as conditions of approval in a Plan Amendment process such as PMA-09-03.
- The Council inquired about establishing a Development Agreement (DA) with Legacy for the purpose of spelling out the issues associated with development on the Property that arose in the PMA process and provide neighbors, the City and Legacy with assurances that the issues will be addressed in a satisfactory manner. Legacy agreed to begin discussions to create a DA that would address issues raised by neighbors and the Council. The public hearing was continued to January 25, 2010.
- Mr. Larry Hill of Legacy and Staff prepared a draft of a DA that was presented to Council at the January 11, 2010 Work Session. With Mr. Hill and staff present, the Council reviewed and discussed the draft DA. Council indicated an interest in: 1. Encouraging additional tree protection in both the grove of trees on the Tax Lot 1700 portion (south) of the property (adjoining SW Borland Road & Fox Hills residential properties) and the grove of trees surrounding the former Grimitt residence at the northwest corner of Tax Lot 2000 (DA 6.2-6.2); 2. Constructing a berm and densely vegetated buffer to the residential properties on the entire east property line when the first building is developed on the Property (DA 4.7); 3. Encourage pedestrian trail or path connections from the Legacy Property and LMPMC campus to trails and paths on the Stafford Hills Racquet & Fitness Club development and the Nyberg Creek natural areas on the north of the Property (DA 4.3); 4. Consider the need for ROW dedication and street improvements on SW 65th Avenue north of SW Borland Road on the LMPMC frontage (DA 8.7).
- As the PMA-09-03 continued hearing on January 25th approached, questions from Council members about traffic conditions on the SW 65th Ave frontage and access driveways of LMPMC and impacts of a full development of the LHS properties were being researched. Discussions with Legacy about the scope and timing of street dedications and improvements by Legacy were unresolved and Legacy requested a second continuance of the PMA-09-03 hearing and consideration of the Development Agreement. The Council granted the continuance to the February 8 meeting.

- A January 26, 2010 Kittelson Memorandum (Attachment B) provided additional information regarding: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development. Based on the January 27, 2010 comments from the Engineering Division (Attachment C), this information was incorporated into the Development Agreement (January 27, 2010 version).
- Prior to the February 8 meeting and consideration of the DA, five additional DA issues were raised by councilors and presented to Legacy. On February 8, Legacy requested continuing the PMA-09-03 hearing to allow time to review and discuss the additional DA issues. The Council continued the public hearing on PMA-09-03 and the consideration of the DA to March 8, 2010. At the February 22, 2010 Work Session, the Council reviewed the February 8 Draft version of the agreement in Work Session and discussed the additional five issues with Larry Hill of Legacy and Allyson Anderson, CEO of LMPMC. Based on the February 22 Council Work Session discussion, the DA was revised to include construction of a 4-foot high berm as part of a buffer on the Property east property line (Section 4.7) and narrowing the width of any emergency accesses on the LHS Property at the SW Joshua, SW Natchez & SW Wichita Street locations. (Section 4.2) The final revised version of the proposed Development Agreement for Council consideration on March 8, 2010 is Attachment D with a Draft Resolution.
- The proposed Agreement would be signed by both Legacy and the City if the proposed PMA-09-03 is approved, If PMA-09-03 is not approved, the Agreement will not be signed and will not become effective.
- A series of agreement points have been reached in the Agreement with Legacy. Details of these points are outlined in the **DISCUSSION** section of this staff report.

OUTCOMES OF DECISION:

If the City Council approves the resolution with the accompanying Agreement and if PMA-09-03 is approved, the City, and Legacy will have an agreement, which will remain in effect for a period of 30 years after the Agreement Effective Date or until buildings and site improvements such as public facilities, loading, parking and landscaping occupy 75% of the Property area (whichever occurs first).

If the City Council does not approve the resolution with the accompanying Agreement, the City and Legacy will not have an agreement addressing the development issues associated with the Property. PMA-09-03 remains a separate decision for the Council.

If the City Council approves Plan Map Amendment PMA-09-03 changing the Property to a MC Planning District designation, but does not approve the Agreement, the City and Legacy will not have an agreement on the issues contained in the DA and any

development issues associated with the Property will be addressed in individual development applications such as Architectural Review.

ALTERNATIVES TO RECOMMENDATION:

If the Council wishes to approve the resolution and Agreement, but with modifications, staff will coordinate with Legacy on the modifications and return at a later date with the modifications.

If the Council chooses to not move forward with the resolution and Agreement, staff will inform Legacy of the Council's decision.

FINANCIAL IMPLICATIONS:

Staff resources have been budgeted in Fiscal Year 09-10 to work on the Agreement and subsequent review of the project.

DISCUSSION:

There are 14 sections contained in the Agreement. Each is briefly described below:

1. Section 1 identifies the area affected by the Agreement.
2. Section 2 identifies the property affected by the Agreement.
3. Section 3 outlines the scope and characteristics of development on the Property including:
 - Development consistent with the purposes, uses and standards of the MC Planning District; and
 - Design compatibility with surrounding residential and medical center development.
4. Section 4 identifies specific development standards for improvements on the Legacy Property, including:
 - Access may be obtained from one new public street access on SW Borland Road and shared access with the existing LMPMC accesses on SW Borland Road and SW 65th Avenue;
 - Restrict direct motor vehicle ingress/egress access to the adjoining SW Joshua, SW Natchez & SW Wichita residential streets on the east except for emergency access as required. ***To minimize a break in the landscape berm and buffer on the Property's east boundary, the width of any emergency access and turnaround shall be as narrow as possible subject to Fire & Life Safety requirements;***
 - Provide pedestrian access between the Legacy Property and LMPMC to adjoining public streets and encourage connections to a future path or trail

system on the nearby Stafford Hills Racquet & Fitness Club and Nyberg Creek wetlands (located to the north);

- Provide a minimum 20 foot setback from property line to parking area and a minimum 50 ft. for tree protection on the south and east boundaries of Tax Lot 1700 (in the tree grove adjoining SW Borland Road);
- Provide adequate on-site parking and place parking away from public streets;
- When the first building is developed on the Property, **provide a 4 foot high** landscape berm with dense evergreen tree & shrub landscaping on the Property's east perimeter to create a buffer to adjoining residential development;
- Building design compatible with nearby residential and medical center development; and
- Limit building height to MC Planning District standards for height and setbacks. Attachment F-diagram of the MC height and setback standards.

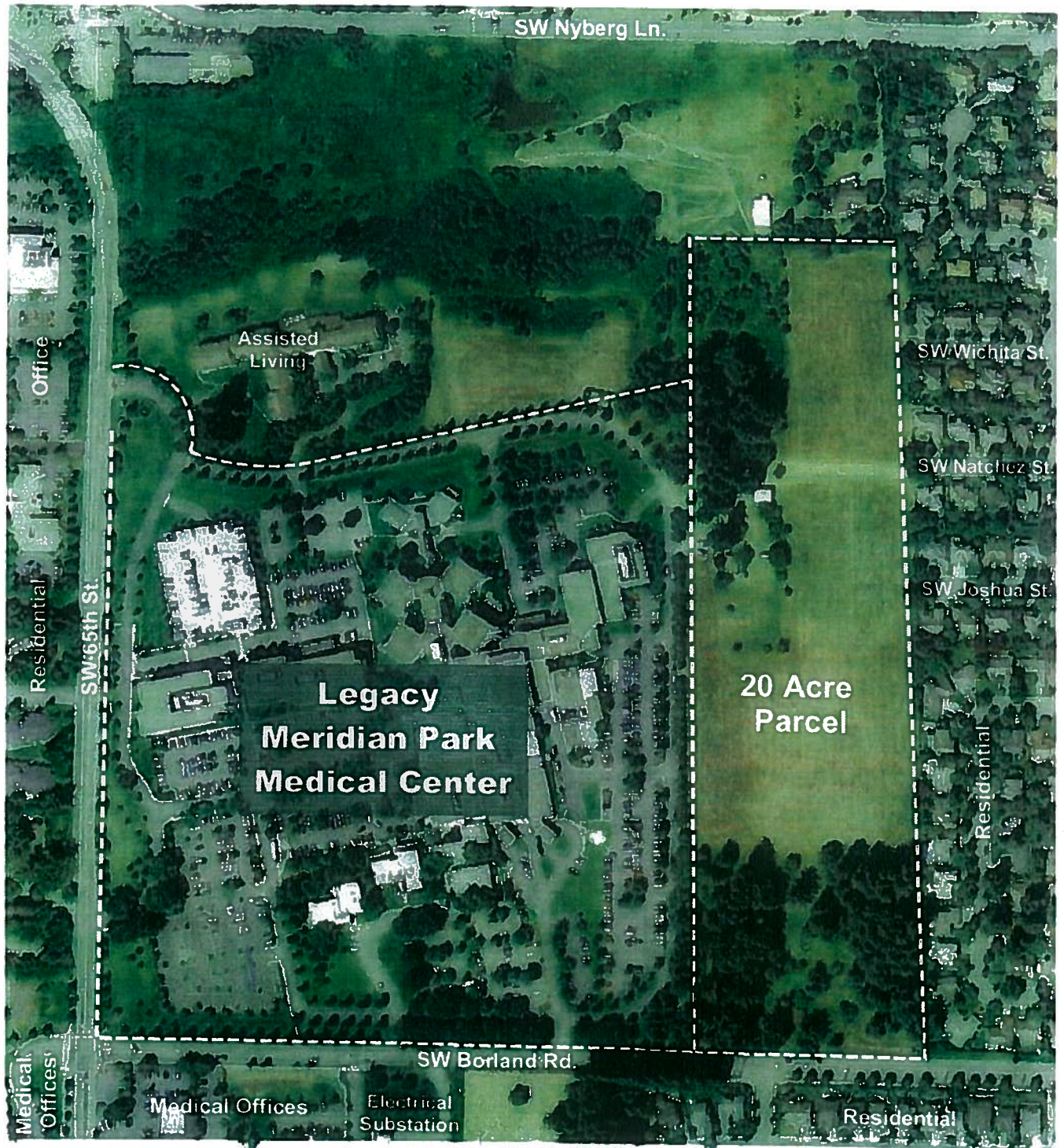
5. Section 5 addresses identifying wetlands on the Property.
6. Section 6 sets out standards for protection of existing trees in the portion of the Property adjoining residential properties and SW Borland Road and trees on the northwest corner of the Property.
7. Section 7 addresses the Historic Landmark on the Property with a commitment to work with the Tualatin Historical Society on relocating it or preserving historic features.
8. Section 8 outlines existing transportation conditions in the LMPMC area and transportation impacts associated with MC development on the site and identifies transportation improvements that Legacy will construct, including:
 - SW 65th Avenue/ SW Sagert Street & SW 65th Avenue/SW Borland Road intersection improvements to improve the capacities, function and level of service through the intersections, and
 - Dedication along SW Borland Road frontage of the Legacy Property and the LMPMC campus.The section also discusses Transportation Development Tax credits. The City cannot guarantee future application of TDT credits for Legacy's public street improvement construction, but under current and soon to be adopted TDT provisions for this area, the capacity-improving street and intersection improvements addressed in the Legacy DA are eligible for full TDT credit for a period of 10 years from completion.
9. Section 9 discusses public improvements including:
 - Water, Sanitary Sewer, & Stormwater.
10. Section 10 is a general statement about a Non-Statutory Development Agreement.

11. Section 11 is the Term of Agreement. As proposed, the Agreement would remain in effect until the Property is 75% developed or 30 years has elapsed.
12. Section 12 establishes the Agreement as a Final Agreement between the parties.
13. Section 13 concerns the Agreement as a whole and in parts.
14. Section 9 is a statement concerning general compliance with laws.

PUBLIC INVOLVEMENT:

A formalized public involvement program is not required in the development and approval of a Development Agreement. The City received email comments from several persons during the course of the PMA-09-03 and Legacy Development Agreement process. The comments are collected in Attachment E.

- Attachments:**
- A. Location Map
 - B. Kittelson Memorandum-Supplemental Information January 26, 2010
 - C. Engineering Division Memorandum-January 27, 2010
 - D. Resolution with Development Agreement Exhibit
 - E. Public Comments Received regarding the Development Agreement
 - F. Diagram of the MC building height and setbacks on LHS Property.



Site Plan
Scale 1" = 300'-0"

LEGACY MERIDIAN PARK MEDICAL CENTER
Tualatin, OR

Attachment A
Vicinity Map



KITTELSON & ASSOCIATES, INC.
TRANSPORTATION ENGINEERING / PLANNING
610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

**CITY OF TUALATIN
RECEIVED**

JAN 26 2010

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**

MEMORANDUM

Date: January 26, 2010

Project #: 9760.0

To: Will Harper
City of Tualatin
18880 SW Martinazzi
Tualatin, OR 97062

From: Mark Vandehey, P.E.

Project: Legacy Meridian Park Plan Map Amendment

Subject: Transportation Analysis – Supplemental Information

This memorandum provides additional transportation information associated with Legacy Health System's proposal for a zone change and plan amendment for their 20-acre site immediately east of the Meridian Park Hospital. The four issues addressed in this memorandum are: 1) discussion of the need for a five lane improvement on SW Borland Road, 2) discussion of the need for a five lane improvement on SW 65th Avenue, 3) recommended improvements to SW 65th Avenue at its intersections with SW Borland Road and SW Sagert Street, and 4) recommended phasing of improvements for the Development Agreement between the City of Tualatin and Legacy.

Need for Borland Road Five Lane Improvement

Our understanding City Council have asked about the need for improving SW Borland Road to five lanes along the frontage of property owned by Legacy Health System. Using the forecast 2028 volumes improving SW Borland Road in the vicinity of the site to five lanes from its existing three lane cross-section is not required to meet the City's standard of Level of Service "E" or better. As discussed in the next section, the capacity constraint to SW Borland Road is at its intersection with SW 65th Avenue.

Need for SW 65th Avenue Five Lane Improvement

We understand City Council also had some questions regarding the need for improving SW 65th Avenue to five lanes in the future. The capacity constraints along SW 65th Avenue between SW Borland Road and SW Nyberg Road are located at the signalized intersections of SW 65th Avenue/SW Nyberg Lane and SW 65th/SW Borland Road. The other capacity constraint along SW 65th Avenue is at the existing four-way stop controlled intersection at SW Sagert Street. Table 1 below shows the Level of Service results for future 2028 conditions presented in our October 1, 2009 memorandum. As indicated in the our memorandum, through the year 2028 only the SW 65th/SW Borland and SW 65th/Sagert intersections are operating at or below the City's Level of Service "E" standard.

The future 2028 forecasts assume reasonable worst-case build-out assumptions for the 20-acre site that is the subject of the proposed zone change, but also include general growth in employment and population for other properties throughout the City of Tualatin.

Table 1 Comparison of Intersection LOS Results

Intersection	Existing Zoning w/Residential Development	Existing Zoning w/Medical Office Development	Proposed Zoning w/Medical Office Development
	AM/PM	AM/PM	AM/PM
SW Nyberg Road/ SW Nyberg Lane	B/C	B/C	B/C
SW 65 th / SW Borland Road	D/D	E/E	E/E
SW 65 th / SW Sagert	F/F	F/F	F/F

Recommended Improvements to SW 65th Avenue at SW Borland Road and SW Sagert Street

As discussed above, the capacity constraints within the vicinity of the site are located at the intersections of SW 65th/Sagert Street and SW 65th/SW Borland Road. Accordingly, it is recommended that future transportation improvements tied to Legacy's development of the 20 acre site be focused on the SW 65th Avenue intersections with SW Borland and SW Sagert Street. Figure A1 illustrates a conceptual improvement that could be constructed by Legacy as part of future development of the 20 acre parcel. It appears as though all of the right-of-way needed to construct this improvement would come from property that is currently owned by Legacy Health System. A "planning level" estimate to design and construct this improvement is approximately \$800,000 (not including right-of-way).

Table 2 shows the results of the improvements illustrated in Figure A1. As indicated in the figure, the proposed improvements will significantly improve the performance of both intersections.

Table 2 Comparison of Intersection LOS Results

Intersection	2028 Conditions w/Medical Office Development
	AM/PM
SW 65 th / SW Borland Road	D/D
SW 65 th / SW Sagert	C/C

Recommended Phasing of Improvements for the Development Agreement

Based on the results of our analysis to date as well as discussions with representatives from both the City and Legacy, we recommend that the Development Agreement between the City of Tualatin and Legacy include the conceptual improvements shown in Exhibit A1 to be constructed with the first phase of development on the 20 acre parcel subject to the following three conditions: 1) the first phase includes a minimum of 50,000 square feet of medical office development, 2) the cost of the improvements result in a credit against the City's Transportation Development Tax, and 3) the total cost of the improvements do not exceed \$900,000.

It is also recommended that no additional frontage improvements be constructed on SW Borland Road along the 20 acre site's frontage, but that right-of-way be dedicated to accommodate the City's standard five lane cross-section.

H:\projects\200 - Meridian Park Hospital\Zone Change\gis\gisdata\fig01_new aerial.dwg Jan 28, 2010 3:05pm - mcskaden Layout Tab Layout2



- LEGEND**
- NEW SIDEWALK
 - NEW PAVEMENT

SW 65TH AVE/SW BORLAND RD
CONCEPTUAL INTERSECTION IMPROVEMENT
TUALATIN, OREGON

FIGURE
A1

MEMORANDUM

DATE: January 27, 2010

TO: Will Harper, AICP
Associate Planner

FROM: Dayna Webb, PE
Project Engineer 

SUBJECT: **PMA-09-03 – Proposed Zone Change from RL to MC
21E 19C #1700 & 2000 – SW Borland Road**

On August 31, 2009 the Engineering Division received Plan Map Amendment Application Notice PMA-09-03 for two properties adjacent to Meridian Park Hospital. The properties are located at 6001, 6021, 6031 & 6041 SW Borland Road and are 4.97 acres and 14.62 acres, respectively. The applicant is requesting a Planning District designation change from Low Density Residential (RL) to Medical Center (MC).

The requested Plan Map Amendment includes a total of 19.59 acres. A reasonable worst-case scenario of trips based on the existing and proposed zoning indicates an additional 545 AM Peak Hour Trips (470 In and 75 Out) and 830 PM Peak Hour Trips (190 In and 640 Out).

The applicant submitted a Memorandum – Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009. The analysis summary of findings states the following:

- The TPR institutes criteria under which the transportation impacts of a post-acknowledgment plan amendment and zoning map amendment must be evaluated under OAR 660-12-0060(1). Based on the analysis results presented in this memorandum, the proposed zone change satisfies all of the requirements set forth in the TPR.

The applicant also submitted a Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009. The supplemental information includes figures for trip generation and information to support TDC 1.032(8).

Additionally, the applicant submitted a Memorandum – Transportation Analysis – Supplemental Information on January 26, 2010. This supplement provides additional information associated with the proposed plan map amendment.

SW Borland Road

Clackamas County designates SW Borland Road as a Minor Arterial. The function of an Arterial is described as connecting collectors to higher order roadways. They carry moderate volumes at moderate speeds.

The City of Tualatin designates SW Borland Road as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

SW 65th Avenue

Washington County designates SW 65th Avenue as an Arterial. Washington County states the function of an Arterial is to interconnect and support the Principal Arterial highway system. Arterials intended to provide general mobility for travel within the region. Correctly sized Arterials at appropriate intervals allow through trips to remain on the Arterial system thereby discouraging use of Local streets for cut-through traffic. Arterial streets link major commercial, residential, industrial and institutional areas.

The City of Tualatin designates SW 65th Avenue as a Major Arterial (Eb&t) which includes four travel lanes, a center turn lane, bike lane, planter strip & sidewalk within a right-of-way width of 98-102 feet. Our TSP states, "Primary function is to serve both local and through traffic as it enters and leaves the urban area; connects the minor arterial and collector street system to freeways and expressways; provides access to other cities and communities; serves major traffic movements; access control through medians and/or channelization; restricted on-street parking; sidewalks and bicycle facilities required; may allow a right-turn pocket if warranted; will be used by public transit."

Following are the trip generation estimates, provided by Kittelson & Associates, Inc based on Trip Generation, 7th Edition:

Land Use	ITE Code	Size	Estimated Trip Generation					
			Weekday AM Peak Trips			Weekday PM Peak Trips		
			Total	In	Out	Total	In	Out
Single-Family Residential	210	94 Units	75	20	55	100	60	40
Medical Office	220	250,000 square feet	620	490	130	930	260	680
Net Increase with Medical Office Development			545	470	75	830	190	640

TDC 1.032 Burden of Proof (6) Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

Because the proposed land use action will result in an amendment to the City of Tualatin's zoning map, Section 660-012-0060 of the State's Transportation Planning Rule applies. Division 12 of the State's Transportation Planning Rule (OAR 660-012) gives the Oregon Department of Land Conservation and Development (DLCD) and the City of Tualatin the power to interpret and implement Statewide Planning Goal 12 (Transportation). Section 660-012-0060 of the TPR provides specific language on how to deal with amendments to adopted plans and land use regulation.

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.

- (a) Change the functional classification of an existing or planned transportation facility**
- (b) Change standards implementing a functional classification system**
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:**

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan**
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

Based on the results presented in the Memorandum – Transportation Planning Rule Analysis, Kittelson & Associates believes the proposed zone change satisfies all of the requirements set forth in the TPR.

TDC Section 1.032 Burden of Proof: (8) Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area. Based on TDC Map 9-4 the site is located in the IN (Inner Neighborhood) Design Type.

The submitted Supplemental Information states "this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario".

The City of Tualatin TSP Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal.

As part of the development agreement, the applicant has proposed constructing improvements to the SW 65th/SW Sagert intersection & the SW 65th/SW Borland Road intersection which will meet the criteria of TDC 1.032 (8).

Comments Received:

No comments were received from Washington County or Clackamas County regarding the proposed Plan Map Amendment.

We received comments from ODOT on October 27, 2009 requesting additional information before they can make a determination on the potential effect on the I5/Nyberg interchange.

Additionally, we received a second comment letter from ODOT on January 14, 2010 regarding the ability to use conditional use when evaluating TPR impacts on ODOT facilities.

Please let me know if you have questions, I can be reached at extension 3036.

RESOLUTION NO. _____

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF TUALATIN AND LEGACY HEALTH SYSTEMS

WHEREAS Legacy Health Systems has applied for a Plan Map Amendment to change the Planning District designation of 19.6 acre Tax Lots 1700 & 2000 (and .25 acres of abutting public ROW) on Assessors Map 21E19C from RL to MC. for the purpose of future expansion of the LMPMC onto the adjacent 46 acre property; and

WHEREAS the proposed Agreement has been prepared to assure that if the Council approves proposed PMA-09-03 Plan Amendment after considering the evidence in a quasi-judicial public hearing, the approval will apply only to the property proposed by Legacy Health Systems; and

WHEREAS a series of agreement points have been reached in the Agreement with the Property Owner and Developer, all of which are incorporated by reference in the agreement attached as Exhibit A.

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

Section 1. The City Council approves the accompanying Agreement and authorizes the Mayor to sign the Agreement on behalf of the City.

INTRODUCED AND ADOPTED this 8th day of March, 2010.

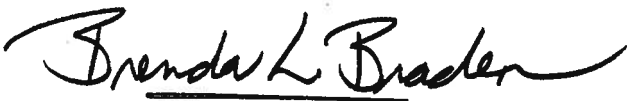
CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO LEGAL FORM


CITY ATTORNEY

**FINAL DRAFT 3-8-10
NON-STATUTORY DEVELOPMENT AGREEMENT**

This Non-Statutory Development Agreement (this "Agreement") is made and entered into as of the ____ day of ____, 2010 (the "Effective Date") by and between Legacy Health System, an Oregon-based not-for-profit corporation ("Legacy") and the City of Tualatin, Oregon (the "City").

RECITALS

- A. Legacy is the owner of the approximately 19.6 acres of unimproved real property located within Tualatin (the "Property") (Exhibit A). Legacy owns as a parent corporation the adjacent 46-acre property occupied by the Legacy Meridian Park Medical Center (LMPMC) facility.
- B. Legacy has applied to the City for approval of a Plan Map Amendment (the "Amendment") PMA-09-03 to change the Property designation from Low-Density Residential (RL) to Medical Center (MC). In the future, Legacy intends to expand the LMPMC onto the Property with buildings and site improvements in compliance with the standards and allowed uses of the MC Planning District.
- C. The City wishes to assure that if the Amendment is approved by the City Council after a public, quasi-judicial hearing, the Amendment would only apply to the Property.
- D. The Parties desire to enter into this Agreement for the purpose of addressing the development-related issues (such as, but not limited to: public street access, pedestrian access, Historic Landmark preservation or demolition, tree protection; on-site and off-site public improvements including sanitary sewer, stormwater management, and street improvements; development standards including building & parking setbacks, building height, landscape buffers & lighting) for Legacy's future development of the Property (see Section 1). Because future development on the Property is subject to land use approval by the City, the City cannot predetermine conditions of approval; however, the Agreement sets forth the Parties' expectations for development on the property.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants of the parties set forth herein, THE PARTIES AGREE AS FOLLOWS:

SECTION 1. AREA AFFECTED BY THIS AGREEMENT. The area affected by this Agreement is property generally referred to as the vicinity of the Property located at 6001, 6021, 6031, and 6041 SW Borland Road comprising approximately 19.6 acres (Clackamas County Assessors Map 21E 19C Tax Lots 1700 & 2000).

SECTION 2. PROPERTY AFFECTED BY THIS AGREEMENT. This Agreement shall apply at such time as the Property is designated as the MC Planning.

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SECTION 3. SCOPE OF DEVELOPMENT. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following characteristics:

- 3.1. Development consistent with the purposes of the MC (Medical Center) Planning District including: "...to provide care facilities, allied health care uses and limited supporting retail and service uses for the convenience of patients, patient visitors and staff." [TDC 56.010]
- 3.2. Development consistent with all the allowed uses and standards of the MC Planning District including out-patient care, medical clinics and medical office facilities [TDC 56.040-56.150].
- 3.3. Development that complies with the criteria and standards for Architectural Review Approval as specified in TDC 73.050 including: (1)(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved; (b) The proposed design of the development is compatible with the design of other development in the general vicinity; and (c) The location, design, size, color and materials of the exterior of all structure are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

SECTION 4. DEVELOPMENT STANDARDS. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following:

- 4.1. Access for the Property may be obtained from a new public street access on SW Borland Road that aligns with the existing SW 60th Terrace intersection and from shared access with the existing LMPMC accesses on SW Borland Road and SW 65th Avenue.
- 4.2. The Property will not have direct motor vehicle ingress/egress access to the adjoining SW Joshua, SW Natchez & SW Wichita Streets except for emergency access as required. Emergency vehicle turnarounds located on the Property at SW Joshua, SW Natchez and SW Wichita shall be provided, based on current standards at the time of an Architectural Review for buildings on the Property. To minimize a break in the landscape berm and buffer on the Property's east boundary, the width of any emergency access and turnaround shall be as narrow as possible subject to Fire & Life Safety requirements.
- 4.3. Provide pedestrian access connections between the pedestrian walkway system on the Property to SW Joshua, SW Natchez & SW Wichita Streets on the east and SW Borland Road on the south as identified in the Architectural Review process. In the future, provide pedestrian

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connections to publicly accessible trails and paths to the Stafford Hills Racquet & Fitness Club development and the Nyberg Creek wetlands to the north of the LMPMC campus and the Legacy Property.

- 4.4. Provide a minimum 20 ft. setback from the Property's parking areas and drive aisles to adjoining public streets and to properties adjoining the east property lines parking areas and drive aisles. A 50 ft. setback for parking areas will be provided for tree protection as stated in Section 6.1.
- 4.5. Provide adequate on-site surface and structured parking for medical center facility staff, patients and visitors as approved in the Architectural Review process. Design parking areas in a manner that locates surface parking at the rear or side of all buildings located within 100 ft. of the Property's SW Borland Road frontage.
- 4.6. Limit the height of freestanding outdoor lighting fixtures to a maximum 20 ft. height. Provide outdoor lighting that does not glare onto neighboring residential property and can meet or exceed the LEED SS Credit8 LZ2 (LEED Reference Guide for Green Building Design and Construction, pg. 130) residential illumination standards.
- 4.7. At the time the first building is developed on the Property, provide a 4-foot high landscape berm with dense evergreen tree & shrub landscaping on the Property's east perimeter landscaping to create a buffer to adjoining residential development as approved in the Architectural Review process.
- 4.8. Legacy will comply with all of the design criteria in the MC Planning District and will strive to make sure any new buildings will be similar in nature to existing buildings on the campus and surrounding medical developments.
- 4.9. Building height will be in compliance with the maximum structure height standards of the MC Planning District in TDC 56.070(1-6).

SECTION 5. WETLAND PROTECTION. The intent of this section is to establish the interest of the City and Legacy to identify wetlands on the property and preserve wetlands to the extent possible during a development process.

- 5.1. Legacy or a succeeding property owner shall identify and delineate wetlands on the Property and submit documentation with Architectural Review applications for development on the Property.

SECTION 6. TREE PROTECTION. The intent of this section is to establish the interest of the City and Legacy to preserve existing trees in the groves of conifer and deciduous trees located on the south portion of the Property where it adjoins the Fox Hills neighborhood and SW Borland Road and on the northwest portion of the property surrounding the former Grimitt residence. Trees should be preserved to the extent possible to provide a buffer for neighboring residential properties to the east and south

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and retain the character of the tree grove on the Property when viewed from SW Borland Road. Legacy or a succeeding property owner shall submit a Tree Protection Plan with Architectural Review applications for development on the Property that shows the following:

- 6.1. Identify existing trees on the Property that will be preserved, including trees within 50 ft. of the new ROW for a 5-lane arterial street on SW Borland Road and trees within 50 ft. of the east property line adjoining the Fox Hills neighborhoods.
- 6.2. Trees within a new ROW & Slope easement on the Property for a 5-lane SW Borland dedication and improvements may be removed when Clackamas County or City permits for construction of the improvements are issued. Trees within a proposed or required ingress/egress access improvement on the Property may be removed as approved in the Architectural Review process.
- 6.3. Trees located on the Property where a proposed medical center building will be located may be removed as approved in the Architectural Review process.
- 6.4. Avoid or minimize tree removal from the tree grove adjacent to SW Borland Road for purposes of surface parking area development.

SECTION 7. HISTORIC LANDMARK. Legacy will consult with the Tualatin Historical Society to identify ways to preserve or relocate the Minnie Skog Historic Landmark house in its entirety or its significant features. Legacy will provide documentation of the consultations and a narrative of actions recommended and taken by the Tualatin Historical Society or Legacy to preserve or relocate the landmark. If the house cannot be preserved or relocated, demolition of the house shall be reviewed as a Historic Landmark Demolition application.

SECTION 8. TRANSPORTATION IMPACT ANALYSIS AND IMPROVEMENTS.

- 8.1. The transportation impact information for PMA-09-03 (Transportation Planning Rule Analysis from Kittelson & Associates, dated August 21, 2009 and Memorandum – Transportation Analysis – Supplemental Information from Kittelson & Associates, dated October 1, 2009) identified that the SW 65th Avenue/SW Sagert Street intersection located west and south of the Property currently is currently functioning at Level of Service (LOS) “F/F” and would not improve in Year 2028 under the worst case scenario for a MC Planning District designation as proposed in PMA-09-03. To meet the requirement of Plan Map Amendment Criterion #8, the SW Sagert Street/SW 65th Avenue intersection should function at LOS E/E or better.

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- 8.2. The January 26, 2010 Kittelson Memorandum-Supplemental Information discusses the existing capacity constraints on SW 65th Avenue at both the SW Borland Road and SW Sagert intersections with conceptual design of the intersections that would alleviate the constraints. Kittelson states "...it is recommended that future transportation improvements tied to Legacy's development of the 20 acre site be focused on the SW 65th Avenue intersections with SW Borland Road and SW Sagert Street." The Engineering Division agrees that the constraints to expanding capacity on SW 65th south of the Nyberg Lane intersection and along the LMPMC frontage and access are considerable and SW Borland Road & SW Sagert Street intersection improvements create more capacity and function at a cost that is proportional to development on the Legacy Property and the LMPMC site.
- 8.3. As a means to meet Plan Amendment Criterion #8 for PMA-09-03 and to increase the capacity and function of the transportation system in the vicinity of the Legacy Property, Legacy agrees to:
 - 8.2.1 Prior to issuance of a Building Permit for the first building on the Property, dedicate SW Borland Road ROW (sufficient for a 5-Lane Arterial Street) from SW 65th Avenue to east end of the Property.
 - 8.2.2 Prior to Occupancy for the first building on the Property, construct improvements to the SW 65th Avenue/SW Sagert Street and SW 65th Avenue/SW Borland Road intersections comparable to the configurations shown in Figure 1 of the January 26, 2010 Kittelson Memorandum and as approved by Washington and Clackamas Counties for their respective jurisdictions.
- 8.4. The October 28, 2009 Engineering Memorandum for PTA-09-03 determined "The submitted (Kittelson) Supplemental Information states 'this standard is met during all time periods for each development scenario, with the exception of the SW 65th/SW Sagert intersection. The SW Sagert/SW 65th Avenue intersection meets warrants for signalization under any scenario'. The City of Tualatin Transportation System Plan (TSP) Appendix C – Detailed Intersection Operations Results (Existing Conditions), completed in June 2001, shows the 65th/Sagert intersection as an all-way stop controlled intersection operates at a v/c of 1.14 and a LOS F. The TSP also identifies the intersection for a future traffic signal."
- 8.5. Washington County and Clackamas County have shared jurisdiction over SW 65th Avenue. Washington County has responsibility for operations, maintenance and improvements of SW 65th Avenue and will participate in the design & permitting of the intersection improvements.
- 8.6. If the improvements to the SW 65th Avenue/SW Sagert Street & SW 65th Avenue/SW Borland Road intersections are approved, Legacy agrees to obtain necessary permits, construct the required improvements, and pay

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all associated costs of permitting, construction and installation (8.2.2). Legacy may be eligible for Transportation Development Tax (TDT) credits for these improvements depending on the TDT Rules at the time of the Permits and the scope of the Permits. When Legacy initiates a pre-application conference for development on the Property, the Engineering Division will work with Legacy on the details of the intersections improvements shown in Figure A1 and work together to match the value of the improvements to the anticipated TDT Credit available for the improvements, without going over the anticipated credit.

SECTION 9. OTHER PUBLIC FACILITY IMPROVEMENTS. When development of the Property is commenced, Legacy or a succeeding property owner shall cause to be completed a development with the following public facility improvements:

- 9.1. Sanitary Sewer. The Sanitary Sewer Master Plan identifies adequate capacity in the existing public sewer collector and transmission lines to serve residential development on the Property. Legacy will submit calculations in an Architectural Review application that verify the sewer system capacity is adequate to serve a medical center development on the Property. Legacy agrees to provide public or private sanitary sewer facilities to serve development on the Property as required in Architectural Review and acquire any offsite easements needed to extend service to the Property.
- 9.2. Water. The Property will be served from the B Level Service Area. Legacy will submit calculations for water demand for the Property in an Architectural Review application for the first medical center building on the Property. Legacy will make improvements and obtain easements to provide water service for the Property.
- 9.3. Stormwater Management. On-site stormwater detention may be necessary to address the stormwater system downstream capacity and water quality facilities will be required to serve the Property when development occurs. Legacy agrees to provide public or private stormwater facilities and acquire easements to serve development on the Property as required in Architectural Review.

SECTION 10. The parties acknowledge and agree that this Agreement is not intended to be a statutory Development Agreement.

SECTION 11. This agreement will remain in effect until buildings and site improvements such as public facilities, loading, parking and landscaping occupy 75% of the Property area, or for a period of 30 years from the enactment of the agreement, whichever occurs first.

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SECTION 12. This Agreement represents the entire and final agreement of the parties with respect to this subject matter and supersedes all prior negotiations, discussions or writings with respect thereto.

SECTION 13. This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which taken together shall constitute but one and the same instrument.

SECTION 14. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

IN WITNESS WHEREOF, the parties hereby execute this Agreement as of the day and year first set forth above.

Legacy Health System

By: _____
Its: _____

By: _____
Attorney: _____

City of Tualatin

By: _____
Its: _____

By: _____
Attorney: _____

**Legacy Development Agreement/PMA-09-03
Collected Comments-February 8, 2010**

From: Bjorn Gallaksen [mailto:bjgull@gmail.com]
Sent: Sunday, January 24, 2010 8:47 PM
To: lou.ogden@jun.com; joelle.d.davis@gmail.com; maddux01@verison.com; etruax@rayalaa.com; Sherilyn Lombos
Cc: Bjorn Gullaksen
Subject: Re: Meridian Park Hospital Rezoning Project

> A thank is deserving to all of you for requesting additional
> information and delaying a decision on rezoning the easterly partial
> of Meridian Park Hospital to a MC zone. In the council meeting on
> November 9th, 2009 the representative from Meridian Hospital indicated
> the hospital has no present plans on adding to the existing facility.
> I can understand why the hospital would like a MC zone, but if there
> is no plan to develop the property why the push?
> Maybe there is a legal reason behind having your agreement to the
> rezoning at this time, but one becomes suspicious to any hidden agenda
> when the hospital is so eager to get this decision executed before
> plans are in the works. This in particular when the representative is
> so accommodating making quick concessions. Thus I respectfully request
> any decision further being delayed until some preliminary plans can be
> presented, agreed to prior to any rezoning of the affected property
> and not rely on the architectural review to solve all issues/concerns.
>
> Sincerely;
>
> Bjorn S. Gullaksen
> 5716 SW Joshua Street
> Tualatin, Oregon, 97062

From: Kalilimoku, Ernest [mailto:KalilimokuE@bv.com]

Sent: Monday, November 09, 2009 7:51 AM

To: lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net; slombos@ci.tualatin.or.us

Cc: Kalilimoku, Ernest

Subject: Meridian Park Hospital vs. Fox Hills resident(s)

My apologies for not being present at this Monday night meeting. I feel that I need to voice my opinions and concerns in support of fellow neighbors and myself. Why can't Meridian Park Hospital maintain the initial 20 acres as a low density zone? I'm opposed to such commercial obstructions so close to the Fox Hill neighborhood. I would consider a landscape buffer separating Fox Hills from the hospital. A berm separating both properties would be good. It would be nice to save the existing conifers and plant more deciduous trees – trees are good for hiding commercial obstructions. It would have been better if the hospital had developed plans to expand their facility on the East side of Borland towards I-205 (adjacent to the substation). Fox Hills is a good neighborhood that deserves preservation of our quality of life.

Ernest W. Kalilimoku

Attachment E

Project Controls

Black & Veatch - Building a World of Difference™

Phone: 503.697.6805

Fax: 503.697.3699

Email: kalilimokue@bv.com

From: Spalding, Robert [mailto:Robert.Spalding@qwest.com]
Sent: Thursday, November 19, 2009 1:49 PM
To: 'lou.ogden@juno.com'; 'Jay@H-Mc.com'; 'smbeikman@verizon.net';
'maddux01@verizon.net';
'etruax@royalaa.com'; Chris Barhyte; 'joelle.d.davis@gmail.com';
'slombos@ci.tualatin.or.us'
Subject: New Meridian Park construction

I am one of the many residents who's homes are right on the border of the Meridian Park Hospital property and am worried about potential interference and traffic to my property. I was told to email the council and ask if there is any chance the hospital can put up some sort of fence or border to block the view of the new structures that will inevitably be built. Please put my name on record as someone who wants this.

Thank You,
Rob Spalding
5769 SW Joshua St
Tualatin OR
503-799-7675

From: Marylee Tolley [mailto:maryleel@verizon.net]
Sent: Saturday, November 07, 2009 11:02 AM
To: Lou.ogden@juno.com; Chris Barhyte; smbeikman@verizon.net;
joelle.d.davis@gmail.com; jay@h-
mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Medical use zone change for Meridian Park Hospital

As you know, Meridian Park Hospital is requesting a zone change from low density residential to a medical complex zone, and the City Council hearing is scheduled for Monday, 11/9.

Neighborhood & Livability Impacts:

- * Parking lots located ten feet of residential yards
- * Light pollution in our neighborhood
- * Building heights between 25 and 95 feet
- * Loss of trees on the south portion of the property
- * Increased traffic on neighborhood streets: Wichita, Natchez, Joshua and 57th

- * Increased traffic on collector and arterial streets: 65th, Nyberg, Nyberg Lane, and Borland.
- * A possible 95' medical office building within view of residences.
- * Significant increased traffic compared to the current zoning.

If the City Council finds that they do need to change the zoning, it is strongly urged that the property owner sign a development agreement that requires the following:

- * Create a minimum 40' landscape buffer to create a sound and visual barrier.
- * Replace existing fencing on the property line.
- * Create a parking lot lighting plan that does not create light pollution
- * Save and maintain as many of the "old growth" trees as possible on the south portion of the site.
- * Wichita, Natchez and Joshua do not become thru streets.
- * The primary access point for any new facilities is the current 65th avenue entrance.
- * Pedestrian and traffic improvements are made to 65th between the new primary entrance and McDonald's. (This should include widening the road and adding a pedestrian path on the east side of 65th.)
- * Cap the maximum structure height at 45'.

When making your decision, please take into consideration the livability of the neighborhood which we currently enjoy.

Marylee Tolley

To: Community Development Department

From: Janice Dove, 19135 SW Mobile Pl., Tualatin OR 97062

Re: Meridian Park Hospital Zone Change, Tax Map 21E 19C, Tax Lots 1700 & 2000

Without any plan for this property, besides a zone change to MC, it's hard to comment. So at this time I only have two concerns about the effects of what could happen if the property was built out as a medical use.

1. If the roads adjoining the property (Joshua, Wichita, Natchez) are connected as through streets, I have concerns about the additional traffic that would travel through the Fox Hill neighborhood. With the recent approval of the Stafford Hills Racquet & Fitness Club (SHRFC) traffic increase, I would ask that the city consider not extending the above streets so that no additional commercial traffic will come through a residential neighborhood.
2. When the property eventually has buildings and parking lots built, I have concerns about the water runoff. With the recent approval of the SHRFC build-out to pave over the property directly below the Hospital, water runoff down to Nyberg Lane is already a concern. If mass amounts of impervious surface are added to the hospital property, the below properties (including mine) and Nyberg Lane will be impacted to an even greater extent than they are now.

Thank you for considering these concerns.

From: Tallie Steele [mailto:tallie@macadamsbarandgrill.com]
Sent: Saturday, January 23, 2010 1:21 PM
To: lou.ogden@juno.com
Subject: Meridian Park Hospital Rezoning

Tualatin City Council Members-

It is my understanding that the council is still discussing the Meridian Park Rezoning Project. As a member of the Fox Hill neighborhood, I wanted to express concern over the effects expansion would have on traffic through our neighborhood. Even the remote possibility of opening the entrances to Fox Hills at Natchez, Joshua and Wichita streets puts countless young children in our neighborhood in danger.

Although the increased traffic is my largest concern, I also worry about what a building the size Meridian Park is discussing will do to the resale and livability of the homes in the area. If rezoning is ever approved, I hope the city does not allow any buildings taller than what already exist on the hospital grounds and that Meridian Park is also required to create a landscape buffer between the neighborhood and themselves prior to any construction.

I realize the hospital has "claimed" they do not intend on building anytime in the near future. If this is true, there is no reason to allow the rezoning at this time. However, it is my opinion that they would not be making the request unless they have intentions to expand. It is important for you to know that I am not an individual who is typically against growth; I do understand its importance. However, I can not tolerate it at the expense of my family's safety.

Thank you for your time and consideration,

Tallie Steele
19539 SW 57th Ave.
Tualatin, OR 97062
503.612.1744

Tallie Steele
wk: 503.246.6227
fax: 503.445.0351
cell: 503.939.7770

From: kbrazier@comcast.net [mailto:kbrazier@comcast.net]
Sent: Tuesday, January 19, 2010 8:26 AM
To: lou.ogden@juno.com; chris@barhyte.com; smbeikman@verizon.net; joelle.d.davis@gmail.com; jay@h-mc.com; maddux01@verizon.net; etruax@royalaa.com; Sherilyn Lombos
Subject: Let's get the Meridian Park Hospital Rezoning Project Verbal Agreements in Writing AND THANK YOU FOR YOUR SERVICE TO OUR COMMUNITY !

Good Morning!

My name is Harold "Kit" Brazier and I live at 5744 SW Joshua St in Tualatin. My wife and I live very close to the field that will developed by Meridian Park Hospital. We have 10 children that live on our short, 12-house dead-end block. 8 of those children are under 7 years of age. Three more young children will be moving into our neighborhood soon. I do not want to see our dead-end street opened up for traffic to access this newly-developed Meridian Park Hospital site.

I would like to speak for our neighbors who live on Natchez and Wichita streets as well. We would like the dead ends barriers to remain so as to minimize the traffic on our streets.

Additionally, I would like to see the following items to be put in writing for Meridian Park's signature:

- . Create a forty foot landscape buffer before structure or road to create a visual and sound barrier.
- . Create a lighting plan that does not shine harsh light onto the surrounding neighborhoods.
- . Save as many trees as possible on the South end of the field and throughout the property.
- . Keep Joshua, Natchez and Wichita dead-end streets and maintain the barriers.. Make the property entrance on 65th Street. Widen 65th to accommodate the increased traffic.

Please do not approve this re-zoning project until these stipulations have been agreed to in writing.

Thank you for your service to our community and for considering these requests. I am pleased to answer any questions relevant to these issues. My telephone number is 503-612-9490.

Wishing you wisdom and patience as you carefully consider every development decision. Our city is quite lovely and it's character will be further enhanced by your careful decision-making.

Harold "Kit" Brazier
5744 SW Joshua St.
Tualatin, Oregon
503-612-9490

