



A. CALL TO ORDER

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Commission 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 #

The Consent Agenda will be enacted with one vote. The Chairman will first ask the staff, the public and the Commissioners if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under "Items Removed from the Consent Agenda." At that time, any member of the audience may comment on any item pulled from the Consent Agenda. The entire Consent Agenda, with the exception of items removed to be discussed under "Items Removed from the Consent Agenda," is then voted upon by roll call under one motion.

1. Approval of Minutes for the Meeting of October 13, 2008..... 159
2. Resolution No. 569-08 Authorizing Agreement and Expenditure of Leveton Tax 163
Increment District Funds Outside of the District Boundaries
For Off-Site Wetland Mitigation as Part of the Herman Road
Improvement Project
3. Resolution No. 570-08 Awarding a Bid for the Herman Road Improvement Project 185

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COMMISSIONERS

J. EXECUTIVE SESSION

K. ADJOURNMENT



Development Commission
Date: 10/27/2008
Recording Sec: G. Kirby

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

FROM: Sherilyn Lombos, Administrator *SL*

DATE: October 27, 2008

SUBJECT: APPROVAL OF THE MINUTES FOR THE MEETING OF
OCTOBER 13, 2008

ISSUE BEFORE THE COMMISSION:

The issue before the Commission is to approve the minutes for the Tualatin Development Commission meeting of October 13, 2008.

RECOMMENDATION:

Staff respectfully recommends that the Commission adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: Minutes

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000



Approved by Tualatin
Development Commission

10/27/2008
g. Kirby

TUALATIN DEVELOPMENT COMMISSION WORK SESSION MINUTES OF OCTOBER 13, 2008

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, Administrator; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Doug Rux, Community Development Director; Paul Hennon, Community Services Director; Kent Barker, Police Chief; Dan Boss, Operations Director; Carina Christensen, Assistant to the City Manager; Don Hudson, Finance Director; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Chairman Ogden called the work session to order at 7:00 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

None.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

There were no comments or questions by the Commission on the Consent Agenda.

E-F. PUBLIC HEARINGS – N/A

G. GENERAL BUSINESS – N/A

H. ITEMS REMOVED FROM CONSENT AGENDA – N/A

I. COMMUNICATIONS FROM COMMISSIONERS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

The meeting adjourned at 7:00 p.m.

Sherilyn Lombos, Administrator

Recording Secretary

TUALATIN DEVELOPMENT COMMISSION

18880 S.W. MARTINAZZI AVENUE
TUALATIN, OR 97062-7092

503 / 692-2000



Approved by Tualatin
Development Commission
10/27/2008
Recording Sec g Kirby

TUALATIN DEVELOPMENT COMMISSION MEETING MINUTES OF OCTOBER 13, 2008

PRESENT: Chairman Lou Ogden; Commissioners Chris Barhyte, Monique Beikman, Bob Boryska, Jay Harris, Donna Maddux and Ed Truax; Sherilyn Lombos, Administrator; Doug Rux, Community Development Director; Brenda Braden, City Attorney; Mike McKillip, City Engineer; Maureen Smith, Recording Secretary

ABSENT: None.

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

A. CALL TO ORDER

Chairman Ogden called the meeting to order at 8:57 p.m.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

Ms. Lombos noted the upcoming special work session on Thursday, October 16, 2008, from 5:30 p.m. to 8:30 p.m. at the Operations Training Room.

C. CITIZEN COMMENTS

None.

D. CONSENT AGENDA

MOTION by Commissioner Beikman, SECONDED by Commissioner Harris to adopt the consent agenda as read:

1. Approval of Minutes for the Meetings of June 23, 2008, July 14, 2008, September 8, 2008 and September 22, 2008

MOTION CARRIED.

E-F. PUBLIC HEARINGS

None.

G. GENERAL BUSINESS

None.

H. ITEMS REMOVED FROM CONSENT AGENDA

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

I. COMMUNICATIONS FROM COMMISSIONERS

None.

J. EXECUTIVE SESSION

None.

K. ADJOURNMENT

MOTION by Commissioner Harris, SECONDED by Commissioner Barhyte to adjourn the meeting at 8:42 p.m. MOTION CARRIED.

Sherilyn Lombos, Administrator

Recording Secretary





Approved by Tualatin
Development Commission
Date 10/27/2008
Recording Sec g Kirby

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *SL*

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

DATE: October 27, 2008

SUBJECT: RESOLUTION AUTHORIZING AGREEMENT AND EXPENDITURE OF LEVETON TAX INCREMENT DISTRICT FUNDS OUTSIDE OF THE DISTRICT BOUNDARIES FOR OFF-SITE WETLAND MITIGATION AS PART OF THE HERMAN ROAD IMPROVEMENT PROJECT

ISSUE BEFORE THE COMMISSION

Whether the Tualatin Development Commission should adopt a resolution authorizing expenditure of Leveton Tax Increment District (LTID) funds outside of the District boundaries for off-site wetland mitigation associated with Herman Road improvements.

RECOMMENDATION

Staff recommends that the Commission adopt the attached resolution.

EXECUTIVE SUMMARY:

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

STAFF REORT: *Resolution authorizing expenditure of LTID Funds Outside of District Boundaries for Herman Road*

October 27, 2008

Page 2 of 3

- The amount to be expended for wetlands mitigation outside the District boundaries is \$18,500, which is .6% of the total cost for Schedule A.
- The Herman Road improvements include:
 - Construction of a 3-lane roadway with bike lanes, planting strip, sidewalks, street trees and landscaping
 - Traffic signal and railroad crossing improvements at 118th Avenue and SW Herman Road
 - Storm drainage improvements
 - Relocation of utilities
 - Driveways
 - Signage
 - Illumination
 - Irrigation
 - Acquisition of rights-of-way and easements
- The purpose of constructing the roadway is to better facilitate industrial traffic within the District and to improve storm water drainage as well as overall roadway conditions.
- Staff, in conjunction with CH2M Hill, has completed 100% design of the roadway based on the LTID plan. The project is currently entering into the construction phase.
- Before proceeding with the next stage of this project, the Commission needs to authorize off-site wetlands mitigation outside of the District boundaries.
- The Commission needs to formally adopt a resolution that the expenditure is necessary and that the off-site wetland mitigation is necessary in order to construct the capital improvement project.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION

Approval of the request to expend LTID funds outside District boundaries will result in the following:

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

Denial of the request to expend LTID funds outside District boundaries will result in the following:

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

STAFF REORT: *Resolution authorizing expenditure of LTID Funds Outside of District Boundaries for Herman Road*

October 27, 2008

Page 3 of 3

2. Non-compliance with Clean Water Services requirement for off-site wetlands mitigation in relation to this project.
3. Delay construction of the SW Herman Road project.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to authorizing expenditure of LTID funds outside District boundaries are as follows:

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

FINANCIAL IMPLICATIONS

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

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

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





Figure 6
 Little Woodrose Park
 Wetland & Vegetated Corridor Boundaries

RESOLUTION NO. 569-08

RESOLUTION AUTHORIZING AGREEMENT AND EXPENDITURE OF
LEVETON TAX INCREMENT DISTRICT FUNDS OUTSIDE OF THE
DISTRICT BOUNDARIES FOR OFF-SITE WETLAND MITIGATION AS
PART OF THE HERMAN ROAD IMPROVEMENT PROJECT

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

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

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

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

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The expenditure of funds outside the Leveton Tax Increment District is authorized and the agreement between the City of Tualatin and the Tualatin Development Commission attached as Exhibit A is approved.

Section 2. Execution of this agreement is contingent on the City of Tualatin authorizing the Mayor to sign the agreement.

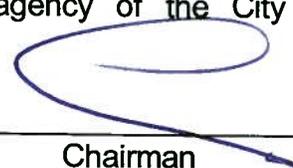
Section 3. The Chairman is authorized to execute the agreement.

INTRODUCED AND ADOPTED this 27th day of October 2008.

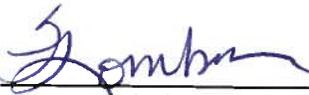
APPROVED AS TO LEGAL FORM


CITY ATTORNEY

TUALATIN DEVELOPMENT COMMISSION the
urban renewal agency of the City of Tualatin,
Oregon

By 
Chairman

ATTEST:

By 
Administrator

Resolution No. 569-08

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

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

Tualatin Development Commission

By: _____
Chairman

18880 SW Martinazzi Ave.
Tualatin, OR 97062

Telephone: 503-692-2000

Approved as to legal form:

Brenda L. Braden
City Attorney

City of Tualatin

By: _____
Mayor

18880 SW Martinazzi Ave.
Tualatin, OR 97062

Telephone: 503-692-2000

Attested By:

[Signature]
City Recorder

STATE OF OREGON)
County of Washington) ss.

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



Before me:

Maureen A Smith
Notary Public for Oregon

My commission expires: July 4, 2009

STATE OF OREGON)
County of Washington) ss.

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



Before me:

Maureen A Smith
Notary Public for Oregon

My commission expires: July 4, 2009



Figure 6
 Little Woodrose Park
 Wetland & Vegetated Corridor Boundaries

○ SP1 Sample Point
 ↖ P1 Photo Point

0 50 100 150
 Scale in Feet

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



Service Provider Letter

CWS File Number

08-002292

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

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

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

Tax lot ID	Development Activity
2S122AD-00200,00300, 00900 2S122C-000502, 000604, 002400, 000605, 000606, 002300, 000501, 001700, 002500,000801,000300, 000602 2S122D-000500, 000501, 2S122-0000500,0000600	<u>Widen Herman Road for approximately 5,100 lineal feet within ROW.</u>

Pre-Development Site Conditions:	Post Development Site Conditions:
Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site Vegetated Corridor Width: <u>Variable 20-50</u> Vegetated Corridor Condition: <u>Degraded</u>	Sensitive Area Present: <input checked="" type="checkbox"/> On-Site <input checked="" type="checkbox"/> Off-Site Vegetated Corridor Width: <u>Variable 20-50</u>

Enhancement of Remaining Vegetated Corridor Required: <input checked="" type="checkbox"/>	Square Footage to be enhanced: <u>25,884</u>
--	---

Encroachments into Pre-Development Vegetated Corridor:

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

Mitigation Requirements:

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

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

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

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

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

SPECIAL CONDITIONS

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

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

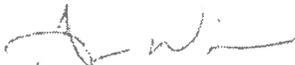
15. Performance assurances for the Vegetated Corridor shall comply with R&O 07-20, Section 2.06.2, Table 2-1 and Section 2.10, Table 2-2.
16. Clean Water Services may require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services or the City that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

FINAL PLANS

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

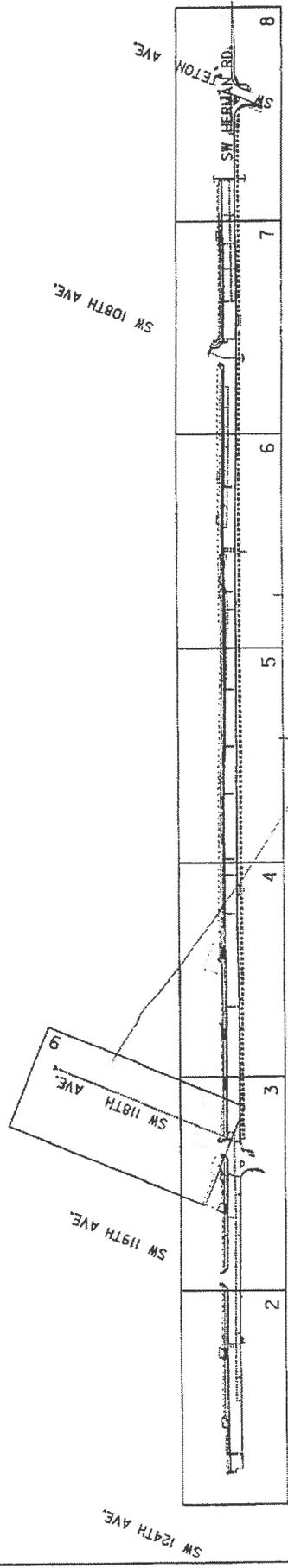
This Service Provider Letter is not valid unless CWS-approved site plan is attached.

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



**Amber Wierck
Environmental Plan Review**

Attachments (8)



NOTE: SENSITIVE AREAS ONLY
EXIST WITHIN THESE SECTIONS
OF THE STUDY AREA

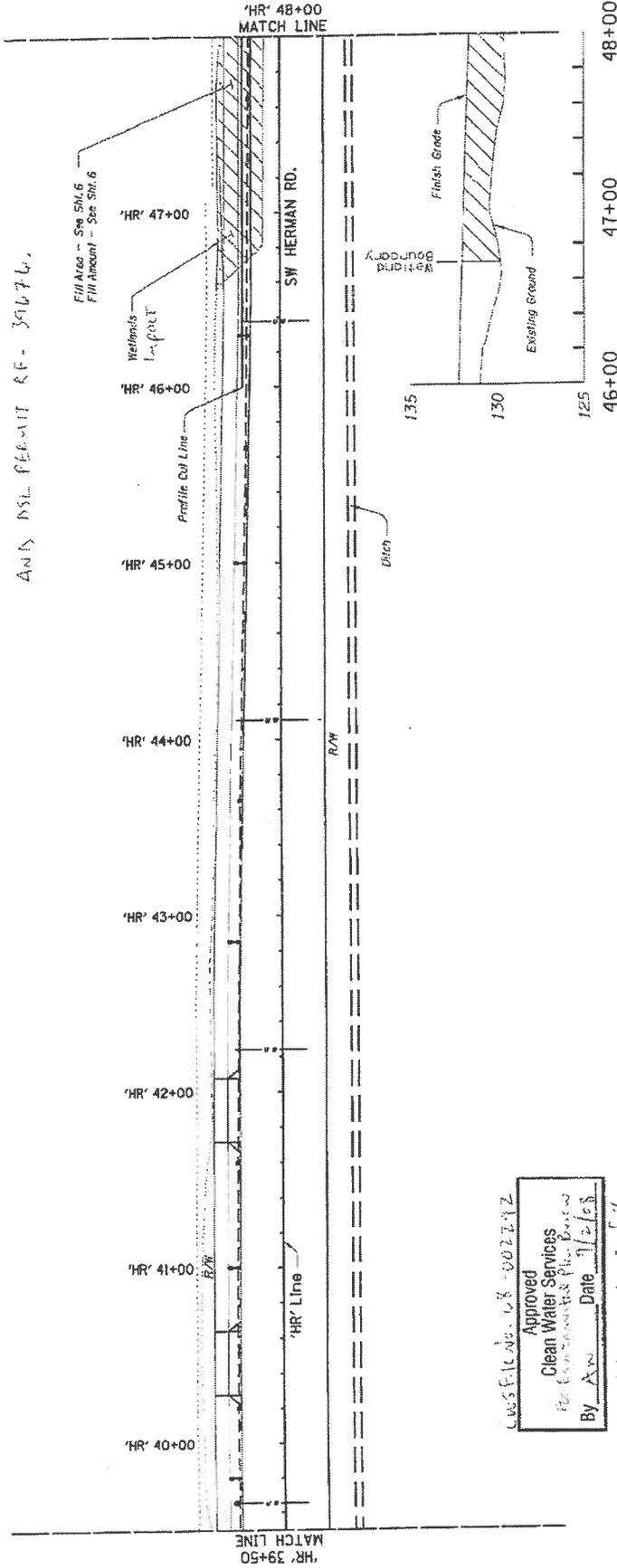
Approved
Clean Water Services
By AW Date 7/2/08

ATTACHMENT 1 OF 8

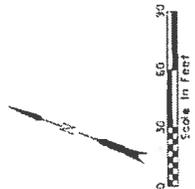
- LEGEND:
- Wetland Boundary
 - Car
 - Fill
 - Drainage Pipe

<p>TUALATIN DEVELOPMENT COMMISSION</p>	<p>S.W. HERMAN RD. S.W. 124TH AVE. TO S.W. TETON AVE.</p> <p>WASHINGTON COUNTY Revised By: Steve Torpe Designed By: Carrie Hoppelstad Drawn By: PROJECTIONS PARTNERS, INC.</p>
<p>PRELIMINARY COPY CONSTRUCTION INFORMATION ONLY</p>	<p>KEYMAP</p> <p>SHEET NO. 1</p>

NOTE: WETLANDS ARE SENSITIVE AREA IMPACT
AUTHORIZED BY CECS PERMIT SWP-2007-1030.
AND NSL PERMIT RF-31676.



CWSF PLAN 08-00227Z
Approved
Clean Water Services
FOR CONSTRUCTION PERMIT
By Date 7/2/08
See Attachment 2 of 4



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

TUALATIN DEVELOPMENT
COMMISSION

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

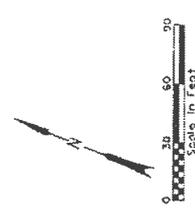
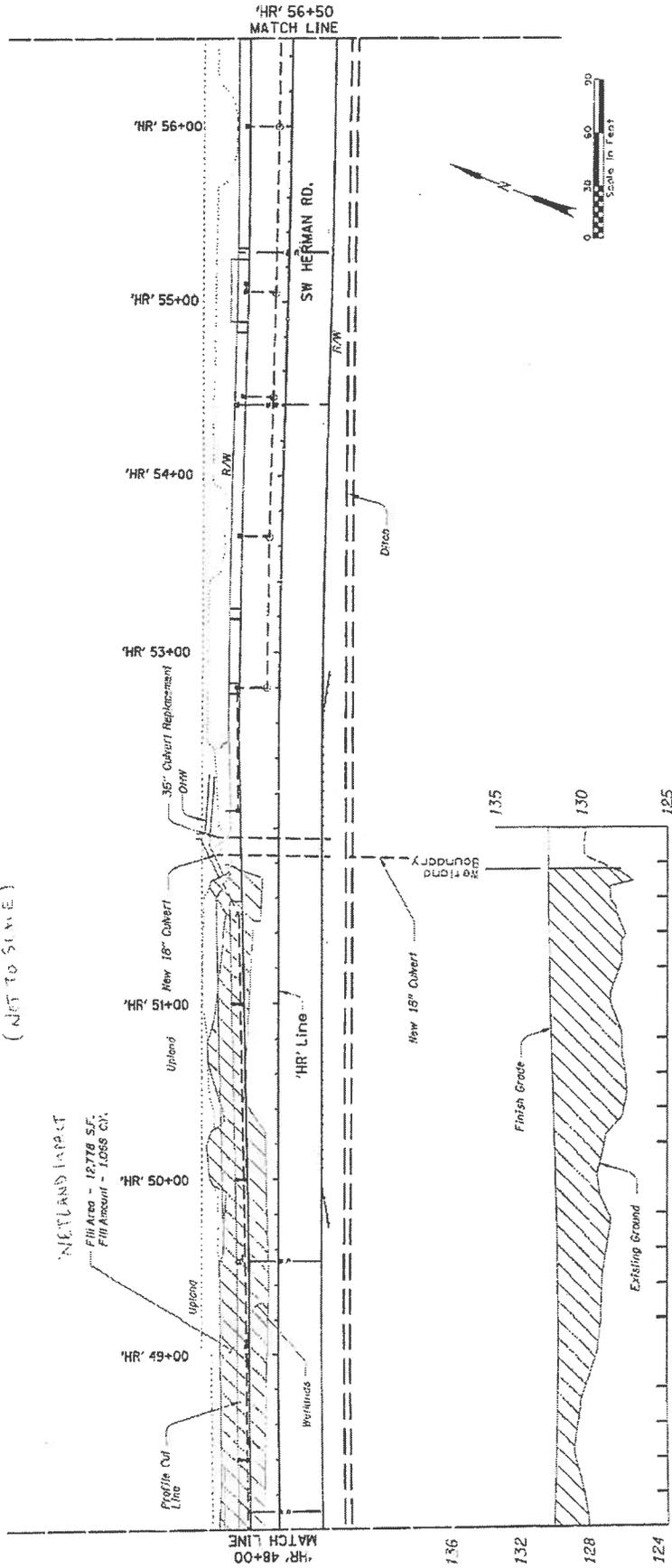
WASHINGTON COUNTY
Prepared by - Steve Larson
Checked by - [Name]
Drafted by - [Name]

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

SHEET NO. 5

PRELIMINARY COPY
NOT FOR CONSTRUCTION
INFORMATION ONLY

NOTE: FOR VULNERABLE (CRZ) &
ENCROACHMENT SEE ATTACHMENT 4
(NOT TO SCALE)



TUALATIN DEVELOPMENT COMMISSION

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

WASHINGTON COUNTY
Reviewed By - Steven Latta
Designed By - Darren Hopenstein
Printed By - Priscilla Mraz-Neale 02

WETLAND PLAN
"HR' 48+00 TO 'HR' 56+50"

SHEET NO. **6**

PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

Approved
Clean Water Services
for Encroachment into Wetlands
By Date 12/1/05
SEE Attachment 3 of 3

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

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

Wetland Continues Offsite

Wetland Continues Offsite

Impacted Wet. Corrid.
Area - 160 S.F.

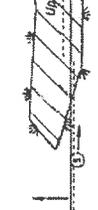
Impacted Wet. Corrid.
Area - 750 S.F.

Impacted Wet. Corrid.
Area - 6,978 S.F.

Wetland - 12,176 S.F.

Study Area Boundary

SW HERMAN RD.
R/W



CWS File No. 08-002292

Approved
Clean Water Services
For Env. Commented Plan Review
By AW Date 9/2/08

SP Attachment 4 of 8

VEGETATED CORRIDOR
ENCLOSUREMENT = 7885 SF
X DRAWING NOT TO SCALE

- LEGEND:
- Photo Locations
 - + SP 1
 - Existing Wetland Area
 - ▨ Existing Vegetated Corridor
 - ▩ Vegetated Corridor - Permanent Impacts
 - Exposed Vegetated Corridor To Be Enhanced

NOTE:
Mapping Method - GSD AT 1:1000 GFS
Map Accuracy - ±3ft

PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

TUALATIN DEVELOPMENT
COMMISSION

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

Reviewed By - Steven KATKO
Designed By - Darran HOPKINS
Drafted By - Iracilia Perez, Nurah-w-Mahmud

WETLAND & VEGETATED
CORRIDOR BOUNDARIES
HERMAN ROAD

SHEET
NO. 2A

PROJECT

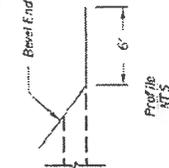
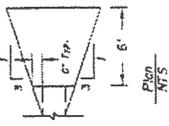
5556005700000000

1/1/2008 2:50:03 PM

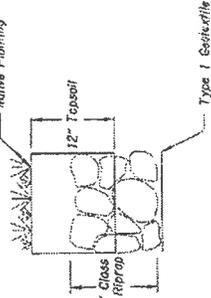
NEW 3221005-000000000000000000

CH2MHILL

BIOPROTECTION OUTFALL

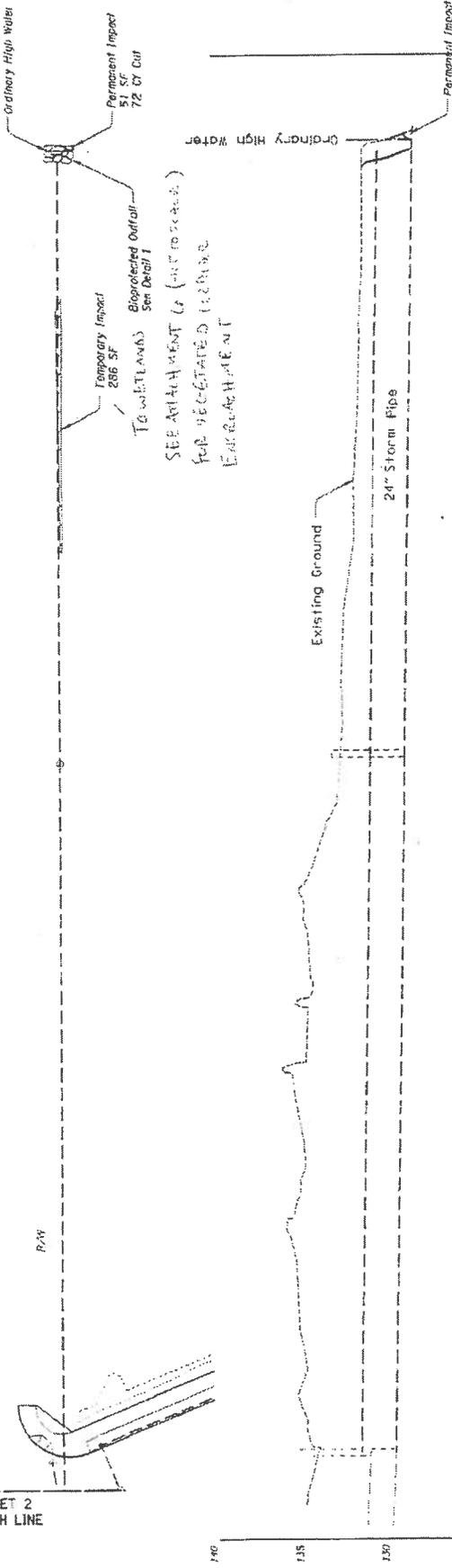


DETAIL 1



SW 118TH AVE.

SHEET 2
MATCH LINE



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

Approved
Clean Water Services
For Environmental No. 6060
By *[Signature]* Date 7/2/08
Site Attachment 5 of 8

PRELIMINARY COPY
NOT FOR
CONSTRUCTION
INFORMATION ONLY

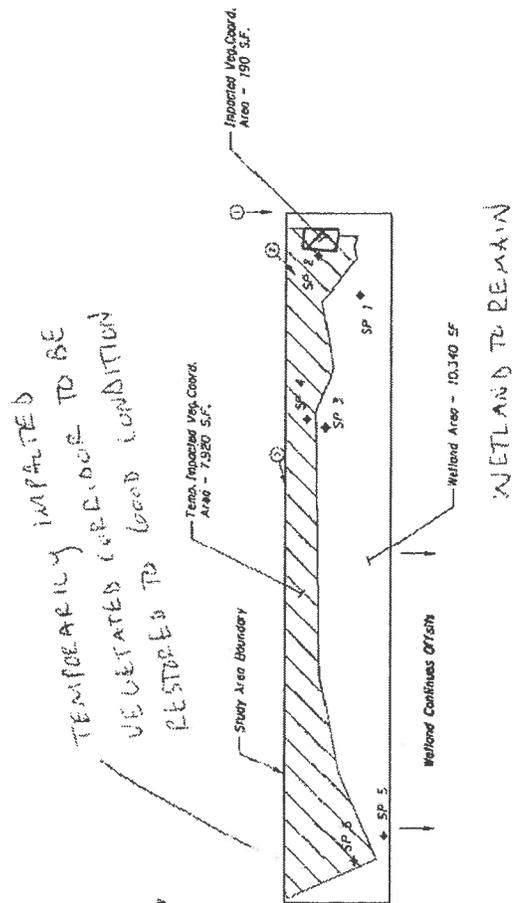
TUJALATIN DEVELOPMENT
COMMISSION

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

WASHINGTON COUNTY
Reviewed By - Steve Kisko
Designed By - Beran Ploonskiel
Drawn By - Priscilla Peraza-Rojas

WETLAND PLAN
SW 118TH AVE.

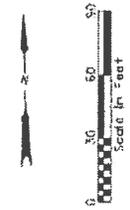
SHEET
NO. 9



WETLAND TO REMAIN

CW's File No. 06-002297
Approved
Clean Water Services
 For Environmental Plan Review
 BY AW Date 7/2/08
 SPL Attachment 16 of 8

- LEGEND:**
- Wetland Boundary
 - Plot Locations
 - Sample Locations
 - Existing Wetland Area
 - Existing Vegetated Corridor
 - Vegetated Corridors - Permanent Impacts



NOTE: Mapping Method - GSD AT Trihubs GPS
 Map Accuracy - ±3ft

PRELIMINARY COPY
 NOT FOR
 CONSTRUCTION
 INFORMATION ONLY

**TUALATIN DEVELOPMENT
 COMMISSION**

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

RESOLUTION COUNTY
 Developed By - Steve Kates
 Designed By - Brian Kopenatid
 Drawn By - Arifachion Penarajamkuz

**WETLAND & VEGETATED
 CORRIDOR BOUNDARIES**
 SW 118TH AVE.

SHEET
 NO.
28

SHEET 2
 MATCH LINE

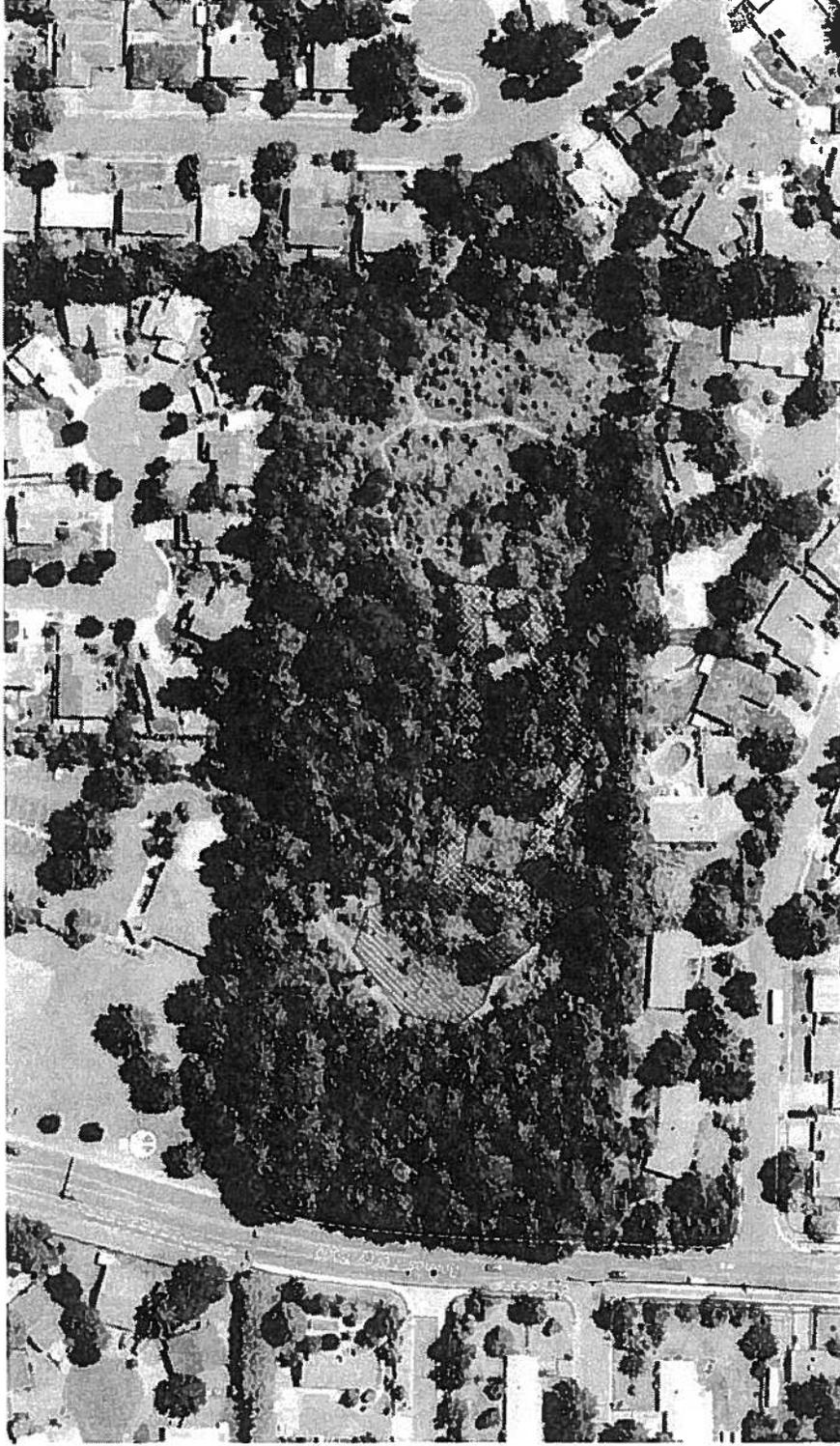


Figure 4
Herman Road Project
Proposed Mitigation Area
 Temporary Irrigation
 7/8/2008

CH2MHILL

EXISTING VEGETATED CORRIDOR

AREA = 16,404 SF

PROPOSED MITIGATION AREA = 16,150 SF



0 50 100 150
 Scale in Feet

CADD FILE NO. 08 - 002292

Approved

Clean Water Services

For Environmental Permitting

BY AW Date 9/2/08

SPL Attachment 8 of 8

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

From: dennis lively [engineer.lively@gmail.com]
Sent: Friday, October 24, 2008 5:09 PM
To: SHERILYN LOMBOS
Subject: Written input to Tualatin Council Herman Rd Off-site Mitigation - Proposed Resolution Pg. 102 of packet

Mayor and City Council, City of Tualatin

Why, when we are building all of the improvements we are with taxpayer funds is it not possible to find any location within the project for the mitigation of damaged wetlands that is required. It is wasteful and entirely illogical to come to the high end of town and use Urban Renewal funds to do "mitigation" in an existing city park. An URD should not be used to fund improvements outside the district or outside of the projects outlined in the original plans for that district. Anyone even slightly knowledgeable in wetlands would have seen long ago that the roadway needed a wetlands determination and when it was found, it should have been handled within the design and URD boundary. Nothing about this should have been a surprise and those benefiting from this public improvement should have helped solve the problem where it originated, yet they didn't because of they don't want to give up any of their property.

According to the Washington County tax bills, a typical house in Tualatin pays \$1.96 per \$1000 to the City Tualatin and \$1.73 per \$1000 to Urban Renewal Tualatin. If we have to pay these rates then those getting the most benefit in increased land values ought to be solving problems of the URD in the URD. None of this is "free money", it is just redirected property taxes.

Dennis Lively
21058 SW 90th Ave
Tualatin, OR 97062



Approved by Tualatin
Development Commission
Date 10/27/2008
Recording Sec [Signature]

STAFF REPORT

TUALATIN DEVELOPMENT COMMISSION

TO: Honorable Chairman and Members of the Commission

THROUGH: Sherilyn Lombos, Administrator *[Signature]*

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

DATE: October 27, 2008

SUBJECT: RESOLUTION AWARDING A BID FOR THE HERMAN ROAD IMPROVEMENT PROJECT

ISSUE BEFORE THE COMMISSION:

Whether the Tualatin Development Commission should adopt a resolution to award a bid for the Herman Road improvement project.

RECOMMENDATION:

Staff recommends that the Commission adopt the attached resolution and award the bid to Moore Excavation for the amount of \$4,385,129.50.

EXECUTIVE SUMMARY:

- This action is not a public hearing
- This is a request of the Commission to award a bid to Moore Excavation for the Herman Road improvement project.
- The bids for this project were opened on Thursday, September 25, 2008 at 9:30 am.
- Of the fifteen bids received, Moore Excavation submitted the low bid of \$4,385,129.50.
- The Engineer's Estimate was \$4,900,000 to \$5,200,000.
- The remaining bids were submitted from:
 - Coffman Excavation
 - C & M Construction, Inc.
 - Eagle Elsner
 - Kodiak Pacific
 - Ross Brothers
 - Tapanic Underground
 - Westtech Construction Company
 - Northwest Earthmovers, Inc.
 - Wildish Standard Paving
 - L.S. Henrickson

STAFF REPORT: Bid Award for Herman Road Improvements

October 27, 2008

Page 2 of 3

- Dirt & Aggregate Interchange, Inc.
- Kerr Contractors, Inc.
- Emery & Sons Construction
- Tri-State Construction, Inc.
- The project construction is broken down into three separate phases deemed Schedule A, Schedule B and Schedule C, which are described as follows:
 - **Schedule A** (West of SW 108th Avenue to SW 124th Avenue) – Payments will be made by the Commission from the Leveton Tax Increment Project Fund.
 - **Schedule B** (East of SW 108th to southwest corner of Airefco, Inc.) – Payments will be made by the City from the Operations Road Utility Fee Fund.
 - **Schedule C** (SW Teton and SW Herman Road Intersection and SW Teton Avenue Pavement Maintenance) – Payments will be made by the City from the Engineering Department's Road Development Fund and Operations Road Operating Utility Fee Fund.
- The Commission is managing all construction phases of the project.
- Before proceeding with the next stage of this project, the Commission needs to award a bid for the project.
- The scope of this project includes grading, paving, sidewalks, storm water infrastructure installation, landscaping, street lighting and associated improvements.
- The project is expected to begin in mid November and be completed by the end of October 2009.
- Phase I of the project (SW Teton Avenue to SW 108th Avenue) will maintain full traffic access throughout the project.
- Phase II of the project (SW 108th Avenue to SW 124th Avenue) will maintain local access only until the project is completed.
- There has been no action previously taken by either the City Council or the Commission on this issue.
- There are no criteria to apply to this request.

OUTCOMES OF DECISION:

Awarding of a bid for the Herman Road improvements will result in the following:

1. Enables the contractor to begin construction on Herman Road.
2. Allows roadway clearing and utility relocation to occur before the cold-weather months.
3. Eliminates any necessity to re-bid the project.
4. Facilitates better traffic flow through a major industrial area of the City.

Not awarding a bid for Herman Road improvements will result in the following:

1. Failure to select a contractor for construction of the Herman Road improvements.
2. A delay in Herman Road improvement construction.
3. Necessity to re-bid the project.

ALTERNATIVES TO RECOMMENDATION:

Alternatives evaluated to awarding a bid for Herman Road improvements are as follows:

1. Reject all current bids.
2. Re-bid the project.

FINANCIAL IMPLICATIONS:

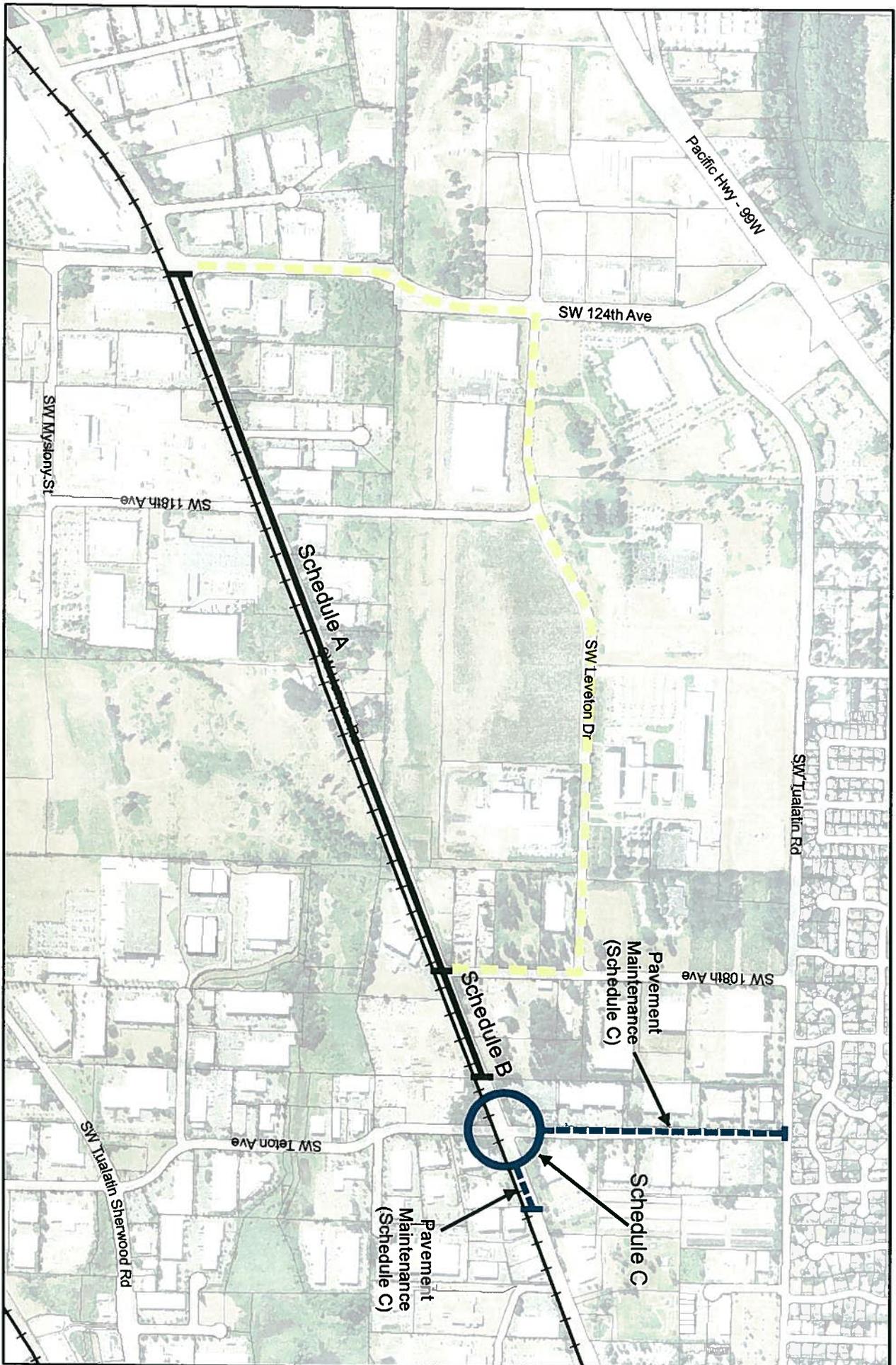
The bid amount of \$4,385,129.50 is within the amount budgeted in the Leveton Tax Increment District Project Fund for FY 08/09 and includes the following:

- Schedule A (West of SW 108th Avenue to SW 124th Avenue) – Amount budgeted \$5,560,000.
- Schedule B (East of SW 108th to southwest corner of Airefco, Inc.) – Amount budgeted \$753,300
- Schedule C (SW Teton and SW Herman Road Intersection and SW Teton Avenue Pavement Maintenance) – Amount budgeted \$1,207,714
 - Engineering Department's Road Development Fund - \$980,000
 - Operations Road Utility Fee Fund (Pavement Management Program) - \$227,714.

PUBLIC INVOLVEMENT:

Public involvement is not required as part of this action.

- Attachments:**
- A. Project Construction Schedule Map
 - B. Resolution



RESOLUTION NO. 570-08

RESOLUTION AWARDING A BID FOR THE HERMAN ROAD IMPROVEMENT PROJECT

WHEREAS the project was advertised in the Daily Journal of Commerce on September 3, 10, and 17, 2008; and

WHEREAS fifteen bids were received prior to the close of the bid period on September 25, 2008; and

WHEREAS Moore Excavation submitted the lowest responsible bid for the project in the amount of \$4,385,129.50; and

WHEREAS adequate funds have been budgeted in the 08/09 budget for this project.

BE IT RESOLVED BY THE TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, that:

Section 1. The contract is awarded to Moore Excavation.

Section 2. The Chairman and Administrator are authorized to execute a contract with Moore Excavation in the amount of \$4,385,129.50.

INTRODUCED AND ADOPTED THIS 27th day of October 2008.

TUALATIN DEVELOPMENT COMMISSION,
The Urban Renewal Agency of the City of Tualatin

BY _____
Chairman

ATTEST:

BY [Signature]
Administrator

APPROVED AS TO LEGAL FORM

[Signature]
CITY ATTORNEY