



City of Tualatin

# TUALATIN CITY COUNCIL

Monday, July 22, 2013

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

**WORK SESSION** begins at 5:45 p.m. \*Note Change In Start Time  
**BUSINESS MEETING** begins at 7:00 p.m.

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**Mayor Lou Ogden**

**Council President Monique Beikman**

**Councilor Wade Brooksby      Councilor Frank Bubenik**

**Councilor Joelle Davis          Councilor Nancy Grimes**

**Councilor Ed Truax**

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

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at [www.tualatinoregon.gov/meetings](http://www.tualatinoregon.gov/meetings), the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

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

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

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

## PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

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

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

## PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

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

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

## TIME LIMITS FOR PUBLIC HEARINGS

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

## EXECUTIVE SESSION INFORMATION

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

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



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

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### A. CALL TO ORDER

Pledge of Allegiance

### B. ANNOUNCEMENTS

1. SW Martinazzi Avenue Construction Update

### C. CITIZEN COMMENTS

*This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.*

### D. CONSENT AGENDA

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

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on July 8, 2013.
2. Consideration of Resolution No. 5157-13 Awarding the Bid for the School Zone Signage Update Project
3. Consideration of Resolution No. 5156-13 Awarding the Bid for the SW Martinazzi Avenue Reconstruction Project
4. Authorization for the Mayor to Sign an Addendum to the Basalt Creek Intergovernmental Agreement (IGA)

### E. SPECIAL REPORTS

### F. PUBLIC HEARINGS – Legislative or Other

### G. PUBLIC HEARINGS – Quasi-Judicial

1.

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

2.

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

**H. GENERAL BUSINESS**

1.

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

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

**K. ADJOURNMENT**

**City Council Meeting**

**B. 1.**

**Meeting Date:** 07/22/2013

**ANNOUNCEMENTS:** SW Martinazzi Avenue Construction Update

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**ANNOUNCEMENTS**

SW Martinazzi Avenue Construction Update

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**Attachments**

A. Powerpoint

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# Martinazzi Avenue Project

July 22, 2013





# Where are we now?

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- **Have been meeting regularly with the business owners**
- **Award bid tonight**
- **Construction to begin August 1st**
- **Completion scheduled for 10/15/13**



# MARTINAZZI AVENUE

## DOWNTOWN DETOUR MAP

AUGUST 12 - SEPTEMBER 12



**Businesses  
will be open  
during  
construction!**





# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

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

**DATE:** 07/22/2013

**SUBJECT:** Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on July 8, 2013.

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**ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve minutes from the City Council Work Session and Regular Meeting on July 8, 2013.

**RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** [City Council Work Session Minutes of July 8, 2013](#)  
[City Council Meeting Minutes of July 8, 2013](#)



## OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JULY 8, 2013

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

Staff Present: City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Management Analyst Ben Bryant

### CALL TO ORDER

Mayor Ogden called the meeting to order at 6:00 p.m.

#### 1. ***Southwest Corridor Draft Recommendations.***

Management Analyst Ben Bryant reviewed the Southwest Corridor Plan draft recommendations and public input and asked the Council to provide direction to staff tonight to take back to the steering committee. He noted that the recommendations have been presented to Tualatin Parks Advisory Committee, Tualatin Planning Commission, and the Transportation Task Force. All the groups supported the draft recommendations with few concerns to forward to the steering committee. The next step is for Council to provide direction to the steering committee which will meet to adopt the draft recommendations on July 22.

Council agreed with the concerns presented and generally supported the draft recommendations.

Mayor Ogden noted that he had expressed his concerns regarding local transit in our area at the last steering committee meetings.

#### 2. ***Neighborhood Decorative Sign Cap Program.***

Deputy City Manager Sara Singer presented the proposed Citizen Involvement Organization Decorative Sign Cap Program. She stated that CIOs have requested the ability to install decorative sign caps to recognize their individual neighborhoods. Staff gathered input from CIO officers, in addition to conducting research on the best practices for managing sign cap programs in other cities. Singer stated that the draft program and application have been prepared and presented tonight for the Council to review and comment.

Discussion ensued amongst Council regarding CIO logos, standardization of signs, funding and costs for the program. Consensus was reached to move forward with the program as drafted with the removal of the installation fee.

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

Councilor Bubenik updated the Council on the first meeting of the Centennial Art Selection Committee. They have narrowed the artists, which will be interviewed and ultimately select two art pieces.

Councilor Davis updated the Council on the 911 tax bill proposed to the State Legislators. She stated that the bill had failed but it is expected to be brought back at the next session.

Council President Beikman attended the Washington County Coordinating Committee (WCCC) meeting to relay the information regarding vehicle registration fees as discussed by the Council at the last meeting. Tualatin was the only city who suggested a vote of the citizens and it appears that there will likely not be a vote regarding this matter.

Mayor Ogden attended the WCCC meeting to discuss Metro's Active Transportation Initiative. He presented concerns regarding mandates in the plan, lack of citizen input, and lack of time for city staff to review the document.

**ADJOURNMENT**

The work session adjourned at 6:38 p.m.

Sherilyn Lombos, City Manager

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

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



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JULY 8, 2013

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

Staff Present: City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Teen Program Specialist Julie Ludemann; Human Resources Manager Janet Newport; Public Works Director Jerry Postema

### A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:00 p.m.

### B. ANNOUNCEMENTS

#### 1. Youth Advisory Council Update

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. The end of the year YAC pizza party and awards ceremony was held on June 13. The new executive board was installed at the event. Upcoming events include the Teen Extravaganza, Movies on the Commons, and Tualapooza.

#### 2. Tualatin Tomorrow Vision Plan Update

Deputy City Manager Sara Singer shared the Tualatin Tomorrow website and marketing video for the vision update.

### C. CITIZEN COMMENTS

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Stephen Titus presented concerns regarding the lack of communications from CIO Officers to Citizens. He would like to see the notification process for CIO initiatives improved.

Toni Anderson presented a complaint she filed with the Oregon Government Ethics Commission. The complaint was submitted for the record.

**D. CONSENT AGENDA**

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

MOTION by Councilor Joelle Davis, SECONDED by Council President Monique Beikman to approve the consent calendar.

**Vote:** 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on June 24, 2013.
2. Resolution No. 5155-13 Ratifying a Collective Bargaining Agreement between the City of Tualatin and the Tualatin Police Officers Association

**E. SPECIAL REPORTS**

1. Children Opportunity Fund Initiative

Katie Riley from the Children Opportunity Fund Initiative presented the program. The goal of the initiative is to create sustainable funding for out of school time activities for children in Washington County. They are looking to complete a county-wide survey to provide prospective on the community's needs, wants, desires, and willingness to participate in the program. She is here seeking a potential donation from the city to perform the survey, an endorsement of the project, and participants for the advisory committee.

Councilor Bubenik asked if donations from citizens are tax deductible. Ms. Riley stated that they are tax deductible as they fall under the umbrella of Impact Northwest.

Councilor Bubenik stated that the Washington Commission on Children and Families is in favor of this program as it could fill the gap if the state cannot find funding to continue the commission.

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

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

**H. GENERAL BUSINESS**

**I. ITEMS REMOVED FROM CONSENT AGENDA**

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

**J. COMMUNICATIONS FROM COUNCILORS**

**K. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 7:40 p.m.

Sherilyn Lombos, City Manager

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

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



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Alice Rouyer

**FROM:** Dayna Webb, Project Engineer  
Kaaren Hofmann, Engineering Manager

**DATE:** 07/22/2013

**SUBJECT:** Consideration of Resolution No. 5157-13 Awarding the Bid for the School Zone Signage Update Project

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### ISSUE BEFORE THE COUNCIL:

Awarding the School Zone Signage Update project to Kunert Electric.

### RECOMMENDATION:

Staff recommends that this project be awarded to Kunert Electric for \$171,425.

### EXECUTIVE SUMMARY:

The scope of this project includes replacing the existing 7AM - 5PM School Zones with 'When Flashing' School Zones. It also includes installation of a new 'When Children Are Present' School Zone and marked crosswalk on SW Joshua Street. The idea to install these signs was discussed in the Transportation System Plan Update Working Groups and CIO meetings; the School District also supports the project.

The project was published in the *Daily Journal of Commerce* on June 21 & 26, 2013, and will be awarded to the lowest responsible bidder. The bids for this project were due and opened on Tuesday, July 9, 2013, at 2:30 p.m. There were 2 bidders as follows:

Contractor	Bid
Kunert Electric	\$171,425.00
Coral Construction	\$194,350.00

The engineer's estimate was \$150,000. Kunert Electric is the lowest responsive bidder. The procurement complies with public contracting rules.

### OUTCOMES OF DECISION:

Awarding of the contract will result in the following:

1. The proposed project will be constructed.

Not awarding the contract will result in the following:

1. All work on the project will stop until a decision is made to re-bid the project.

**FINANCIAL IMPLICATIONS:**

There are adequate funds in the Gas Tax Fund to construct this project.

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**Attachments:**    School Zone Resolution



RESOLUTION NO. 5157-13

RESOLUTION AWARDING THE BID FOR THE SCHOOL ZONE  
SIGNAGE UPDATE PROJECT

WHEREAS, the City advertized the School Zone Signage Update Project in the *Daily Journal of Commerce* on June 21 & 26; and

WHEREAS, the City received two bids prior to the close of the bid period on July 3, 2013; and

WHEREAS Kunert Electric submitted the lowest responsible bid for the project in the amount of \$171,425.00; and

WHEREAS there are funds available for this project in the Road Utility and Gas Tax Funds; and

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

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

Section 1. The contract for the School Zone Signage Update Project is awarded to Kunert Electric.

Section 2. The Mayor and City Manager are authorized to execute a contract with Kunert Electric in the amount of \$ 171,425.00.

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

Section 4. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of July, 2013.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

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

**DATE:** 07/22/2013

**SUBJECT:** Consideration of Resolution No. 5156-13 Awarding the Bid for the SW Martinazzi Avenue Reconstruction Project

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### ISSUE BEFORE THE COUNCIL:

Awarding the SW Martinazzi Avenue Reconstruction project to Kodiak Pacific Construction.

### RECOMMENDATION:

Staff recommends that this project be awarded to Kodiak Pacific Construction for \$1,447,447.

### EXECUTIVE SUMMARY:

The scope of this project includes replacing the existing water line, sewer line, signal at the SW Nyberg Road/SW Martinazzi Avenue intersection all in SW Martinazzi Avenue. It also includes installing a water line underneath the Tualatin River.

The criteria for choosing the contractor included: price, experience, and schedule for construction. The bids for this project were opened on Tuesday, July 9, 2013, at 2:30 p.m. The following firms submitted proposals:

Contractor	Proposal Points
Kerr Contractors	25.8
Kodiak Pacific	33.65
Nutter Corporation	6.9

The engineer's estimate was \$1,700,000.

Kodiak Pacific Construction has the winning proposal.

The procurement complies with public contracting rules.

**OUTCOMES OF DECISION:**

Awarding of the contract will result in the following:

1. The proposed project will be constructed.

Not awarding the contract will result in the following:

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

**FINANCIAL IMPLICATIONS:**

There are adequate funds in the Water Operating, Sewer Operating, Storm Operating, Road Utility, and Gas Tax Funds to construct this project.

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**Attachments:**    Matrinazzi Resolution

RESOLUTION NO. 5156-13

RESOLUTION AWARDING THE BID FOR THE SW  
MARTINAZZI AVENUE RECONSTRUCTION PROJECT

WHEREAS, on or about April 22, 2013, the City Council exempted the Martinazzi Avenue Reconstruction Project from competitive bidding and authorized an request for proposal process; and

WHEREAS, THE City advertized the Martinazzi Avenue Reconstruction Project in the *Daily Journal of Commerce* on June 19, 26 and July 1, 2013; and

WHEREAS, the City received three proposals prior to the deadline of July 9, 2013; and

WHEREAS Kodiak Pacific submitted the winning proposal for the project in the amount of \$1,447,447.00; and

WHEREAS there are funds available for this project in the Water Operating, Sewer Operating, Storm Operating, Road Utility and Gas Tax Funds; and

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

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

Section 1. The contract for the Martinazzi Avenue Reconstruction Project is awarded to Kodiak Pacific Construction.

Section 2. The Mayor and City Manager are authorized to execute a contract with Kodiak Pacific Construction in the amount of 1,447,447.00.

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

Section 4. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22<sup>nd</sup> day of July, 2013.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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

## City Council Meeting

**D. 4.**

**Meeting Date:** 07/22/2013

**CONSENT** Authorize the Mayor to Sign an Addendum to the Basalt Creek  
**AGENDA:** Intergovernmental Agreement

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### **CONSENT AGENDA**

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

### **SUMMARY**

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

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

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

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### **Attachments**

[Attachment A: IGA Addendum](#)

[Attachment B: IGA Exhibit 1A](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**B. Agency Roles and Responsibilities**

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

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

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

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

2. CITIES will:

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

3. METRO will:

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

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

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

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

**Attachments:**

Exhibit 1A – Basalt Creek Transportation Refinement Plan

*(Four separate signature pages follow)*

**CITY OF TUALATIN, Oregon:**

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

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

**ATTEST:**

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

**CITY OF WILSONVILLE, Oregon:**

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

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

ATTEST:

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

**WASHINGTON COUNTY, Oregon:**

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

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

ATTEST:

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

**METRO:**

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


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

**ATTEST:**

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

**Approved as to Form:**

OFFICE OF WASHINGTON COUNTY COUNSEL:

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

# Basalt Creek Transportation Refinement Plan Recommendations

## Introduction

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

## Purpose

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

## Planning Context

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

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

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

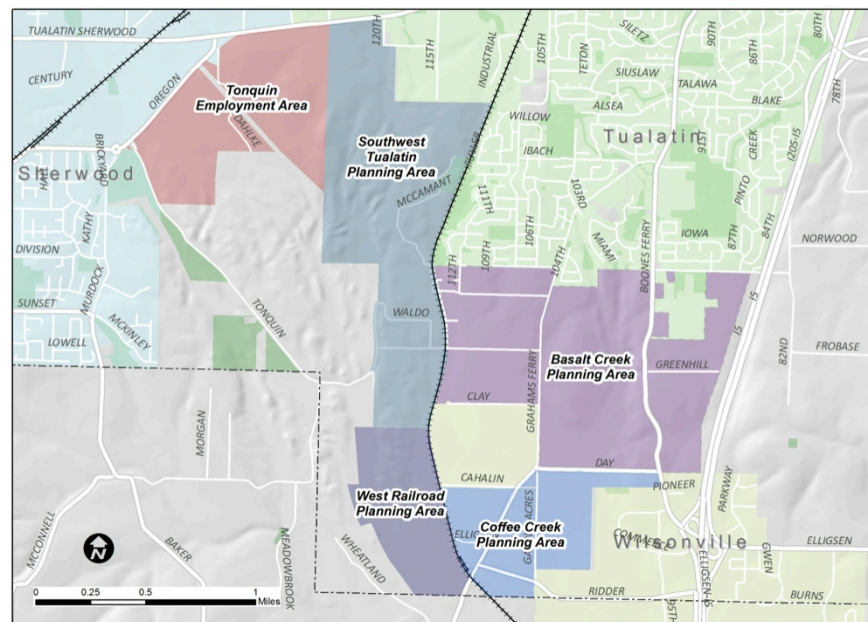


Figure 1: Basalt Creek Planning Area Location

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



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

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

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## Facility Considerations and Characteristics

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

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

## Recommendation

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

### Roadways

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

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

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

### Overcrossings

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

## Active Transportation

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

## Action Plan

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

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Table 1: Basalt Creek Action Plan

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

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

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

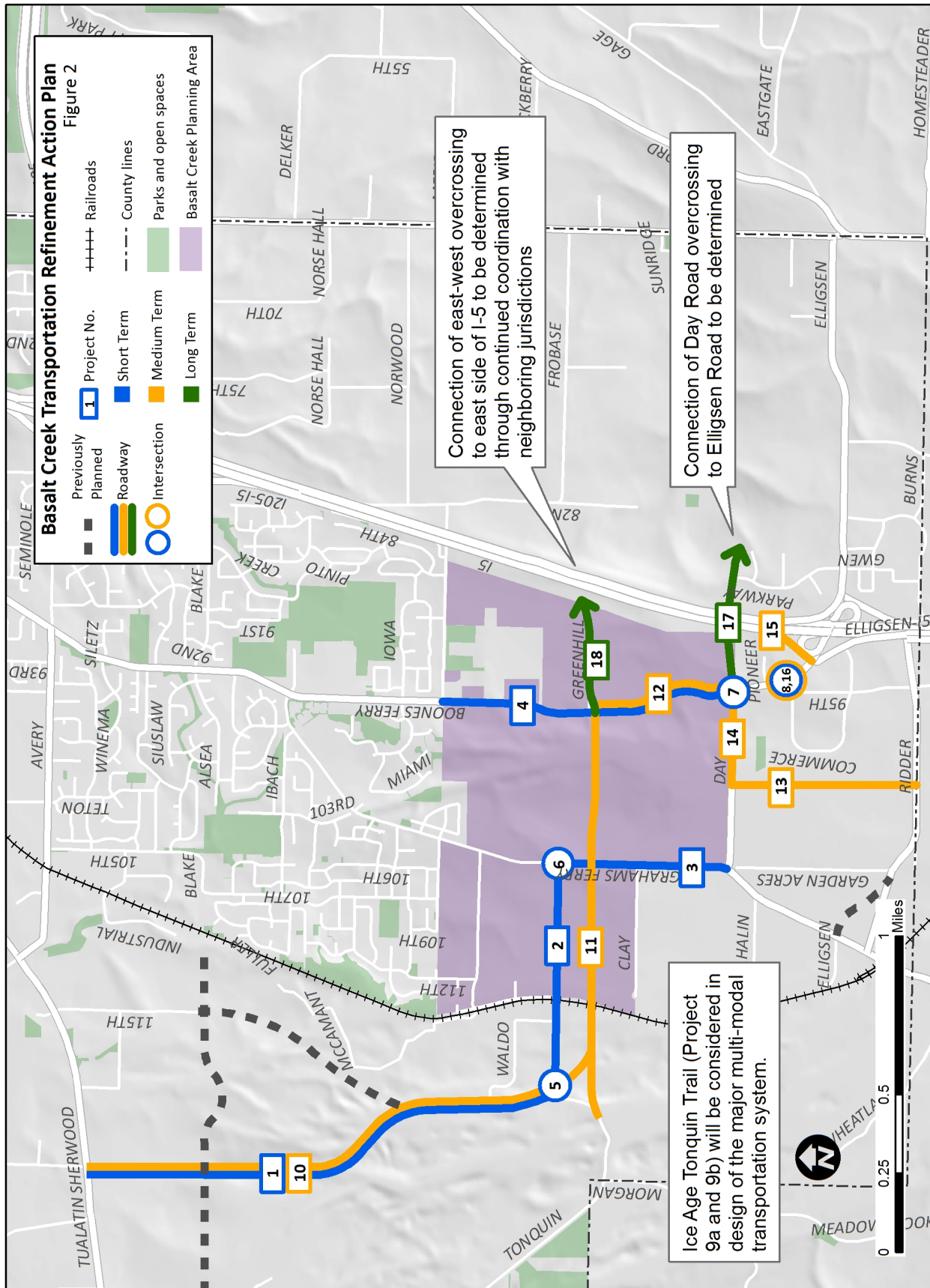
<sup>3</sup> Coordinate with Project 4. Cost of approach lane included in estimate for Project 12

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

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

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

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



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

### Are these new projects?

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

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

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

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

## Policy and Plan Updates

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

### Basalt Creek and West Railroad Area Concept Planning

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

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

### Regional Transportation Plan

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

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

### Washington County TSP Update

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

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## Tualatin and Wilsonville TSP Updates

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

## Funding

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

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

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

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

### Federal

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

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

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



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

### State

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

### Local

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

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

Item G1: Central Urban Renewal District Master Plan for the Nyberg Rivers Shopping Center  
Development Part 1

\*\*Can be found as a seperate attachment on website due to size\*\*



# STAFF REPORT

## CITY OF TUALATIN

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

**THROUGH:** Sherilyn Lombos

**FROM:** William Harper, Senior Planner  
Alice Cannon Rouyer, Assistant City Manager

**DATE:** 07/22/2013

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

---

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

The issue before the City Council is consideration of a conditional use permit for the Nyberg Rivers Shopping Center to allow Retail Uses in a Commercial Office (CO) Planning District at 7055-7433 SW Nyberg Street (2S124A 2700) and Outside Storage and Sales in the Central Commercial (CC) Planning District at 7437-7463 SW Nyberg (2S124A2100 and 2S124B2507)

### **RECOMMENDATION:**

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution consistent with City Council's recommendation on Conditional Use Permit 13-04.

### **EXECUTIVE SUMMARY:**

- This matter is a quasi-judicial public hearing for a Conditional Use Permit Request.
- The first part of the request is for a conditional use permit to allow retail use in the 24,000 sq. ft. northern portion of Building 1040 that is located within the CO Planning District and CURD Block 1.
  - Within Central Urban Renewal District Plan (CURD) Block 1 and the Commercial Office (CO) Planning District, "Uses Permitted in the (Central Commercial) CC Planning District" are a conditional use, (TDC) 50.030(2). The CC Planning District allows various retail, professional and service uses as permitted, TDC 53.020.
- The second part of the request is for a conditional use permit to allow outdoor storage and sale of merchandise such as recreational equipment and sports outfitting outside of Building 1040 in the Central Commercial Planning District. "Outside storage or sales" is a conditional use in the Central Commercial (CC) Planning District" TDC 53.050(5).

- The subject site for the two requested conditional uses is associated with Building 1040 in the proposed Nyberg Rivers Shopping Center (CUP Site Plan-Attachment 202, Exhibit I). The proposed 110,000 sq. ft. Building 1040 is shown on:

Parcel 2S124A 2700 in the CO Planning District [CUP Request 50.030(2)] Central Urban Renewal District Block 1, and;

Parcels 2S124B 2100 and 2S124A 2507 in the CC Planning District [CUP Request 53.050(5)] Central Urban Renewal District Block 2.

### **Site Description**

The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage. The site adjoins a residential development to the north (Heron's Landing Apartments) and the City of Tualatin Library/City Hall Campus to the west (Attachment A-Vicinity Map).

CenterCal Properties, LLC, owners of the Bridgeport Village and Nyberg Woods retail centers, submitted a Master Plan application (MP-13-01) and Conditional Use Permit (CUP-13-04) for the "Nyberg Rivers" commercial center project proposal to redevelop the former Kmart site and adjacent properties. CenterCal holds a 75 year lease on former KMart/Mercury Development shopping center properties (including subject Parcels 2S124A 2507 and 2S124B 2100) as well as lease or property interest in the adjoining undeveloped subject Parcel 2S124A 2700 and on Parcels 2S124A 2508 and 2502 (McBale). The proposed Nyberg Rivers project will encompass a net development area of approximately 26 acres (Attachment 201-Development Plan graphic). The Master Plan MP-13-01 is subject to Council consideration in a public hearing scheduled for July 22, 2013.

### **Summary of Proposals**

- The Nyberg Rivers Master Plan includes demolition of three existing buildings (including the former Kmart building, the Wendy's Restaurant and the Jiggles restaurant), construction of seven (7) new buildings (including subject building 1040), access and public facilities improvements, parking, pedestrian, bicycle, and landscaping improvements. Five existing buildings including the Michael's store building, the US Bank building, Banner Bank building and the multi-tenant Buildings A and B will remain on the shopping center properties.
- The tenant of the proposed Building 1040 will be an outdoor sporting goods retailer. The location of the approximately 110,000 sq. ft. building is in the central part of the Nyberg Rivers development and will be in the CC Planning District on the west (CURD Block 2) with an approximately 24,000 square foot portion extending into the CO Planning District on the east (CURD Block 1)(Attachment 202-Exhibit I CUP Site Plan). The west side of Building 1040 is across a proposed public plaza and publicly accessible shared pathway from retail and restaurant uses in tenant Building 1030, 1010 and 1005. To the east and north, Building 1040 adjoins drive aisles, parking areas and a proposed

Building N-100 (proposed fitness center). North of subject site is the proposed Natural Area along the Tualatin River. The entrance to Building 1040 is on the south elevation that is oriented to a parking area that adjoins Nyberg Rivers tenant pad buildings adjoining the SW Nyberg Street frontage and the main access to the center.

Commercial Uses in the CO Planning District. A "sporting goods store" is a permitted use in the Central Commercial (CC) Planning District as per TDC 53.020(45). The proposed Building 1040 tenant is a sporting goods store and a permitted use in the portion of the building within the CC Planning District. Attachment 202, Exhibit I shows the portion of Building 1040 located within the CO Planning District. The sporting goods store use that is in the approximately 24,000 sq ft. portion of Building 1040 within the Commercial Office (CO) Planning District and CURD Block 1 is allowed as a conditional use as per TDC 50.030(2).

Outside Storage or Sales. The application states: "The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit I, dated 6/13/2013 (Attachment 202). This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela's, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting." Staff recommends a condition of approval prohibiting sales of recreational equipment and sports outfitting in the area identified as public gathering space, multi-function open plaza and plaza seating with fire pit as identified on Exhibit Q1 in Attachment 202.

The proposed outside storage and sales use is adjacent to the south (southeast) elevation of Nyberg Rivers Building 1040 and is within the CC Planning District and CURD Block 2, and is allowed as a conditional use as per TDC 53.050(5). Attachment 202, Exhibit I shows the proposed outside storage and sales area adjacent to Building 1040.

### **Review Criteria**

As of this date, the City Council has not considered a Conditional Use Permit application requesting Central Commercial permitted uses in Central Urban Renewal Plan Block 1 within the Commercial Office Planning District.

The City Council has approved other Conditional Use Permits for outside storage and sales in a CC Planning District. CU-83-04, CU-85-02 and CUP-95-02 approved outside storage and sales activities at the Fred Meyer Store on SW Martinazzi Avenue.

The applicable policies and regulations that apply to the proposed conditional uses in the CO and CC Planning District include: TDC Chapter 6 "Commercial Planning Districts," Sections 6.030 "Objectives"; Chapter 32 "Conditional Uses," Section 32.030 Conditional Uses – Siting Criteria; Chapter 50 Commercial Office Planning District (CO)," Section 50.030 "Central Urban Renewal Plan -Additional Permitted and Conditional Uses." Chapter 53 Central Commercial Planning District (CC)," Section 53.050 "Conditional Uses".

The attached analysis and findings (Attachment 301) consider the applicable policies and regulations. Before granting the proposed Conditional Use Permit, the City Council must find that the uses are allowed as a conditional use in the CO and CC Planning Districts and the criteria listed in TDC 32.030 are met. The Analysis and Findings (Attachment 301) examines the application with respect to the criteria for granting a CUP.

Staff recommends five conditions of approval as follows:

1. Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit in the approved Master Plan Exhibit Q1 Building Frontage landscape plan.
2. Outside sales areas on the south elevation of Nyberg Rivers Building 1040 shall be located in a manner that provides a minimum of 12 feet in clear, unobstructed width for walkways or accessways through a plaza or along the building frontage.
3. Outdoor sales and display of outboard and inboard powered boats, trailers and motorized ATVs are prohibited.
4. The applicant shall operate the use consistent with all application materials submitted to the City on June 24, 2013.
5. The applicant shall comply will all applicable TDC policies and regulations.

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

Approval of the Conditional Use Permit (CUP) requests will result in the following:

1. Allows Central Commercial (CC) Planning District permitted uses to be located in the portion of the Nyberg Rivers Building 1040 that is within CURD Block 1 and the Commercial Office (CO) Planning District.
2. Allows outside storage and sales on the south side of Nyberg Rivers Building 1040.
3. The recommended Conditions of Approval would restrict outside storage or sales areas from public plaza or public gathering areas identified in the approved Nyberg Rivers Master Plan; locate outside storage or sales to provide a minimum of clearance for walkways or accessways; prohibit outdoor sales or display of powered boats, trailers and motorized ATVs.

Denial of a CUP request will result in the following:

1. The applicant will not be allowed to conduct retail sales in the CO portion of Nyberg Rivers Building 1040.
2. The applicant will not be allowed to conduct outside storage or sales on the south elevation of Nyberg Rivers Building 1040.

#### **ALTERNATIVES TO RECOMMENDATION:**





**Nyberg Rivers Vicinity Map**  
**Attachment 102**

**HERON'S  
LANDING**

**CITY  
OFFICES**

**TUALATIN  
COMMONS**

**FRED  
MEYER**

**NYBERG  
WOODS**





## **SUMMARY OF PROPOSAL**

### **THE MASTER PLAN**

The Nyberg Rivers Master Plan area requires approval of a master plan prior to development of the site. Specific guidance for what constitutes a “master plan” is provided for within the City of Tualatin *Central Urban Renewal Plan - October 2009*:

*“Prior to approval of applications for development projects within Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, and 33, applicants will be required to submit and gain City approval of a master plan governing development within the Block(s). Such master plan shall contain sufficient information, as determined by the City, to ensure that development meets the objectives of the Plan. Master plans may include, but are not limited to, treatment of such issues as access, transportation, sewer, water, storm drainage, internal circulation, building location, building design and materials, parking, landscaping and pedestrian facilities.*

*Master plans for Blocks 1, 2, 3, 4, 5, 13, 25, 26, 27, 31, 32, 33, as well as subsequent modifications to those plans, must be approved by the City Council at a public hearing. The public hearing shall be called and conducted in the manner provided for in Section 1.031 of the Tualatin Development Code. In approving a master plan, the City Council may attach conditions that it finds necessary to achieve the objectives of the Urban Renewal Plan.”*

The Central Urban Renewal Plan (heretofore listed as “The Plan”) was originally adopted on January 27, 1975 and has undergone several amendments to reflect the City of Tualatin’s current vision for the overall urban renewal area, as well as specific blocks designated within the subarea. An accompanying report to The Plan outlines the goals and objectives, as well as an outline of the project activities undertaken through The Plan. These project activities are public improvements under the following categories:

- Flood Control—minimizing flood risk within The Plan area
- Roads and Streets—identifying specific streets and interchanges needing infrastructure improvements and capital funding.
- Utilities—improvements needed in sanitary sewer, storm sewer, water supply, and electricity systems. Specific project activities are summarized.
- Parking Facilities—establishment of the Core Area Parking District (CAPD) in 1979, as well as impact fees on new construction to provide for parking lot development within the parking district.
- Pedestrian Facilities—improvement of pedestrian circulation within the URA through the construction of sidewalks, improvements to the triangular park site, and the development of design guidelines for private pedestrian walkways and street furniture.
- Civic Facilities—includes pedestrian oriented facilities, major features of Tualatin Commons (water feature and landmark), site acquisition for police facility, library expansion and participating in design discussion for a community building.

- Transit Facilities—assisting Tri-Met in locating park-and-ride facilities and encouraging private development to integrate transit provisions.

The Plan also outlines land uses within the renewal area, which are governed by the Planning District Standards outlined in the Tualatin Development Code. The Planning District Designations applicable to this master plan application include the Central Commercial (CC), Office Commercial (CO), and High Density Residential (HR) designations. A discussion of permitted uses as well as additional considerations for Blocks 1, 2, 3, 4, and 5 is addressed in Section II of this project narrative.

The Nyberg Rivers Master Plan represents a comprehensive and collaborative effort to create a vibrant center that provides a seamless extension of the Tualatin City Center. The primary commercial tenants will work to attract regional visitors to the City core in a mix of uses; creating vibrant and active City Center. In addition, this project will provide transportation, pedestrian and bicycle amenities and linkages to the regional framework serving residents and visitors to the site. The Nyberg Rivers Master Plan will play an important role in establishing the Tualatin City Center as a regional draw for residents, visitors, businesses, and critical public facilities.

The Nyberg Rivers Master Plan is a multi-tenant shopping center redevelopment project. The Site Plan, attached as Exhibit C, illustrates the build-out plan for the project. The master plan and the Development Plan, attached as Exhibit A, is focused on the areas designated as the Primary Development Area, whereas, the residual areas are designated as Future Development Area(s). The Primary Development Area is controlled by CenterCal Properties, LLC (the developer) and detailed project planning has occurred on these portions of the master plan. The Future Development Area(s) are anticipated to be pursued and completed by others. The Development Plan focuses project statistics and planning on the Primary Development Area. The shopping center has been carefully planned so that development within the Primary Development Area does not preclude and in fact facilitates later development in the Future Development Areas.

The balance of this project narrative addresses each of the applicable approval criteria for a master plan and demonstrates that the proposed development conforms with each criterion.

## **CONDITIONAL USE PERMIT**

There is one conditional use approval requested under this application. As a supplement to the associated Master Plan sections, those uses identified as conditional use are addressed in this narrative. Based on conversation with the City of Tualatin and comments received during the Pre-Application conference held on March 7, 2013, a portion of the proposed retail store located in Building 1040 is subject to CUP review and approval, as the site straddles the CC and CO planning districts. The portion of building in the CC District is permitted outright and the portion of the building located in the CU District, as well as the outdoor storage and sales, is subject to the approval criteria of Chapter 32. Under 50.030(2), uses in the CC District are allowed as conditional uses in the CO District. Further, under 53.050 (5), outdoor storage and sales are permitted in the CC District as a conditional use. Accordingly, the conditional use narrative specifically addresses the [square feet of Building 1040 located in the CO zone and the outdoor storage and sales located in the CC zone. All other uses on the site are permitted uses and do not require a conditional use permit.

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## TDC 32: CONDITIONAL USES

### PROPOSED USES REQUIRING CONDITIONAL USE REVIEW AND APPROVAL

A conditional use permit application is filed with this master plan application as a request to allow specific uses within the CC and CO planning districts. Based on the permitted and conditional uses summarized in both the Central Urban Renewal Plan and the Tualatin Development Code (Chapters 50 and 53, specifically) the following uses are subject to conditional uses as determined by use type and location within the planning districts:

### TDC 50.030 CENTRAL URBAN RENEWAL PLAN – ADDITIONAL PERMITTED USES AND CONDITIONAL USES.

In the Central Urban Renewal District, additional uses are permitted only on the blocks listed below, as shown on [Map 9-3](#).

- (1) Uses permitted in the RH District on Block 1.
- (2) Uses permitted in the CC District as a Conditional Use on Block 1.

### SECTION 53.050 CONDITIONAL USES.

The following uses are permitted 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.

- (5) Outside storage or sales.

As detailed above, the following uses would be subject to conditional use review and permitting.

- **Portion of Building 1040**— This building is a sporting goods store with outdoor storage and sales. The portion of the building that is located in the CC district is a permitted use. The portion of the building that is located in the CO district is also permitted but subject to the conditional use criteria of Chapter 32. (See Urban Renewal Plan, Permitted and Conditional Uses for Block1 at page 34-35 and TDC 50.030(2)).
- **Building 1040—Outside Sales:** the proposed sporting goods store requires outdoor sales and storage area. Under TDC 53.050(5), outside storage or sales is subject to CUP review in the CC District. The outdoor storage and sales is located in the CC District.

The following code sections outline the specific provision, followed by a narrative response demonstrating how the applicant proposes to address the specific conditional use criteria.

### SECTION 32.010 PURPOSE AND INTENT.

**It is the intent of this chapter to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics**

relative to locational features, design, size, operation, circulation and public interest or service, require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- (1) Allow, on one hand, practical latitude for utilization of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community and adjacent properties; and
- (2) Provide machinery for periodic re-view of conditional use permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare. [Ord. 743-88, 3/28/88]

**Response:** Portions of the Nyberg Rivers redevelopment proposal are subject to a conditional use review and decision. The proposed sporting goods store located in Building 1040 is subject to a conditional use for two facets—1) the building overlaps into a portion of the CO district, where permitted CC uses are subject to CUP review and 2) the store requires an option for permanent outdoor sales along the building frontage.

#### **SECTION 32.020 SITING CRITERIA.**

The provisions of this chapter are signed to provide siting criteria for the conditional uses specified herein and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:

- (1) Be consistent with the intent and purpose of the planning district in which it is proposed to locate such use, meet the requirements of the Tualatin Community Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place.
- (2) Comply with the requirements of the planning district within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this chapter. [Ord. 743-88, 3/28/88]

**Response:** The proposed sporting goods store located in Building 1040 is an outright permitted use in the CC zone and also a permitted use subject to Chapter 32 in the CO zone within Block 1 of the Urban Renewal Plan. The conditional use elements of this building represents only 21- percent of the overall building mass yet are required to meet the needs of the retailer. Because the majority of the use is permitted outright and a smaller element of the use is specifically contemplated by the Urban Renewal Plan, the intent and purpose of both the CC and CO planning districts will be achieved, while also meeting the requirements of the Tualatin Community Plan. This narrative includes responses to those applicable sections to show compliance with those standards.

#### **SECTION 32.030 CRITERIA FOR REVIEW OF CONDITIONAL USES.**

The City Council may allow a conditional use, after a hearing conducted pursuant to [TDC 32.070](#), provided that the applicant provides evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further provided

that the applicant demonstrates that the proposed use also satisfies the following criteria:

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

**Response:** The 23,513 SF portion of the 110,000 square foot retail store is located in the CO District. Under 50.030(2), all uses permitted in the CC District are allowed as conditional uses in the CO District. Thus, the portion of the store in the CO District is listed as a conditional use in the underlying zoning district. The outdoor storage and sales are listed as a conditional uses in the CC District under 53.050 (5) in compliance with this criteria.

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

**Response:** The conditional use is proposed to be developed within an existing retail center. The site is already committed to large format retail with a mix of smaller and medium sized complementary commercial uses. The site is zoned CC and CO and allows and encourages the kinds of uses contemplated here. The Urban Renewal Plan further encourages redevelopment of this site with a denser mix of commercial uses to meet the redevelopment and economic development objectives of that Plan as discussed earlier in this application. The site size and shape allow an efficient layout of the uses with adequate parking and a well-designed landscape plan. Site topography is relatively flat with no steep grades. The location of the site is adjacent to the City's downtown and adjacent the I-5 corridor along Nyberg Street, a corridor already committed to large format retail development and designed to accommodate commercial uses. As detailed above and incorporated herein by reference, the transportation system can safely accommodate the use and the development of the site will include several improvements to public facilities that will improve bicycle, pedestrian and vehicle movements in the area. The Tualatin River runs to the north of the site and will not be negatively impacted. In fact, the site development includes a dedication of a trail easement along the river for future development. Therefore, the characteristics of the site are suitable for the proposed use.

- (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.

**Response:** The findings above under the Master Plan and Urban Renewal Plan address the transportation facilities in the area and cite to the TIA completed for the proposed project. The scope of the TIA was first approved by Washington County and the City. The Applicant then conducted the analysis consistent with this scoping agreement. The analysis demonstrates that all study intersections will continue to operate at acceptable levels of service and that the development is timely considering the adequacy of transportation services. This conditional use request pertains to only [square 23,513 SF of the sporting goods store and the outdoor storage and sales. These uses represent a small fraction of the uses identified in the TIA. Because the entire site and its associated density are consistent with the timely delivery of transportation facilities, so too is a small portion of that square footage subject to this conditional use request.

As discussed above, and incorporated herein by reference, the Applicant has proposed to complete the required infrastructure improvements to the water, sanitary sewer and stormwater systems that service the site. The proposed large format retail store is consistent with this requirement.

- (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.**

**Response:** The character of the area is defined by its existing and surrounding uses. The site itself is currently developed with a retail center. This application will permit the redevelopment of that center with a well-designed site plan, landscape plan and architectural elevations. New commercial uses will replace old commercial uses. Vacant and undesirable uses will be removed and replaced with a more family-friendly and active center. The Site Plan as proposed reflects the uses allowed in the underlying zoning district and contemplated in the Urban Renewal Plan. The transportation, pedestrian and bicycle network will be improved with this development, not only serving the subject site but contributing to greater circulation options for surrounding properties. In particular, the new loop road through the site will make the new connection between Boones Ferry, Seneca and Nyberg streets and the improvements along Nyberg will facilitate better traffic movements along the perimeter. The surrounding properties are also zoned for like uses. The redevelopment of this site will complement and perhaps encourage future redevelopment on other surrounding parcels as more people are drawn to the downtown core by these economic redevelopment projects. The proposed use will not therefore alter the character of the surrounding area in a way that impairs, precludes or limits. Rather, redevelopment of this underutilized site in the Central Urban Renewal Area will more likely encourage similar redevelopment opportunities consistent with the underlying planning districts.

- (5) **The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use. [Ord. 743-88, 3/28/88]**

**Response:** All of the objectives and policies of the Tualatin Community Plan are addressed above. The application has demonstrated that the Tualatin Community Plan calls for the development of this site with Central Commercial and Office Commercial uses in the manner proposed here. The Plan calls for redevelopment of this site consistent with the Central Urban Renewal Plan which includes policies for the redevelopment of this site with commercial uses. The transportation elements of the Plan are satisfied by the TIA completed for this site demonstrating that the transportation facilities are adequate to serve the development and the site has been sensitively designed to accommodate future uses on neighboring parcels.

Excerpt from Addendum 1

Nyberg Rivers  
Response to City of Tualatin letter dated June 3, 2013  
Addendum #1 to Master Plan submitted March 19, 2013

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4. *In parallel with the Conditional Use Permit Application (CUP-13-04), Please provide information on the proposed commercial retail uses in the Commercial Office (CO) portion of the property.*

The Nyberg Rivers Conditional Use Exhibit attached as Exhibit I and dated 6/13/2013, is a responsive memorandum from Cardno that clearly articulates the area of the Cabela's building that is located in the CO zone. There are no other commercial retail uses in the CO zone that are conditional uses in that zone. All other uses in the CO zone are uses that are permitted outright in that zone. The area of the outdoor storage and sales comprises 6,993 square feet and the area of the building that is located in the CO zone comprises 23,923 square feet.

5. *The application does not clearly state the location, size and merchandise proposed for the outside sales and display areas. A second conditional use permit may be required to locate outside sales and storage in the Central Commercial (CC) Planning District if such sales are not physically connected to a main building. Outside sales and storage is not an allowed use either outright or conditional in the CO Planning District.*

The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit, Exhibit I, dated 6/13/2013. This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela's, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting.

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Nyberg Rivers  
Response to City of Tualatin letter dated June 3, 2013  
Addendum #1 to Master Plan submitted March 19, 2013

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**C. Encourage the development of existing Central Commercial designated land before-designating other land within the Urban Renewal Area as Central Commercial.**

**D. Support Central Commercial designated land for development by assisting in the marketing and promotion of Central Tualatin as a place to visit shop and conduct business.**

All of the uses proposed for the site are uses that are specifically permitted in the Central Commercial District. Two elements of the Cabela's are conditional uses: (1) the portion of the Cabela's building which overlaps the adjacent CO zone; and (2) the outdoor storage and sales area within the CC zone at the front entrance to the Cabela's. Both of these areas are discussed in the conditional use exhibit attached as Exhibit I and included with this letter.

The City's support of these proposed uses that are permitted in the CC zone, "encourages the development of existing Central Commercial designated land," in compliance with Objective C. The City has acknowledged that each of these retail uses is permitted in the zone and that the

new retail center does not contain any uses not allowed by the zone. Further the Central Urban Renewal Plan also does not prohibit or minimize any of the projected uses. Drive- through facilities are permitted in the CC District as well as restaurants and grocery stores. The applicant acknowledges that restaurants with a drive-through are regulated differently, and appropriately so, in the Central Design District. They are not similarly limited on the subject site which is outside of the Central Design District.

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Nyberg Rivers  
Response to City of Tualatin letter dated June 3, 2013  
Addendum #1 to Master Plan submitted March 19, 2013

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**CURD GOAL 4: CIVIC DEVELOPMENT**

*The CURD Plan identifies the Nyberg Rivers site as part of the Tualatin Downtown. The proposed Master Plan does not clearly show or explain the project’s elements and connections to downtown. Please refine the Master Plan to address how the proposal addresses this issue.*

Goal 4 states:

“To promote civic facilities including community gathering spaces and other pedestrian amenities, a community center, library expansion and a City Hall in the Urban Renewal Area, which is supportive of other civic and private uses in the area.”

The applicant has proposed a plaza on site as well as a network of streets and sidewalks that provide community gathering spaces and pedestrian amenities. As shown on Exhibit Q 1 and Q2 attached with this letter, there are several amenities provided to create an enhanced pedestrian experience throughout Nyberg Rivers. Amenities include cove and bench seating, patios, tree grates, sculptures, water features, a pedestrian promenade, and larger sidewalks to promote pedestrian interaction and safe access through the central shopping corridor, as well as linkage to the north/south pathways into and through the parking areas and remainder of the site.



**PROJECT SUMMARY**

MASTER PLAN AREA:	44.15 ACRES
FUTURE DEVELOPMENT AREAS: (by others)	12.24 ACRES
<hr/>	
PRIMARY DEVELOPMENT AREA:	
GROSS AREA:	31.91 ACRES
NATURAL AREA:	5.33 ACRES
NET AREA:	26.58 ACRES
REQUIRED LANDSCAPE AREA:	15% / 4.78 ACRES
LANDSCAPE AREA PROPOSED:	10.34 ACRES
FLOOR AREA RATIO:	0.265
TOTAL PERMISSIBLE BUILDING AREA:	307,000 SF

BUILDING	AREA
BLDG 1005	33,562 SF
BLDG 1010	21,750 SF
BLDG 1030	2,900 SF
BLDG 1040	110,093 SF
BLDG A	12,500 SF
BLDG B	5,850 SF
BLDG C	3,950 SF
BLDG D	32,459 SF
BLDG E	3,285 SF
BLDG F	5,500 SF
BLDG G-100	6,500 SF
BLDG H-100	4,526 SF
BLDG J-100	5,797 SF
BLDG N-100	45,000 SF
TOTAL:	293,672 SF

ADDITIONAL POTENTIAL BUILDING AREA: 13,328 SF

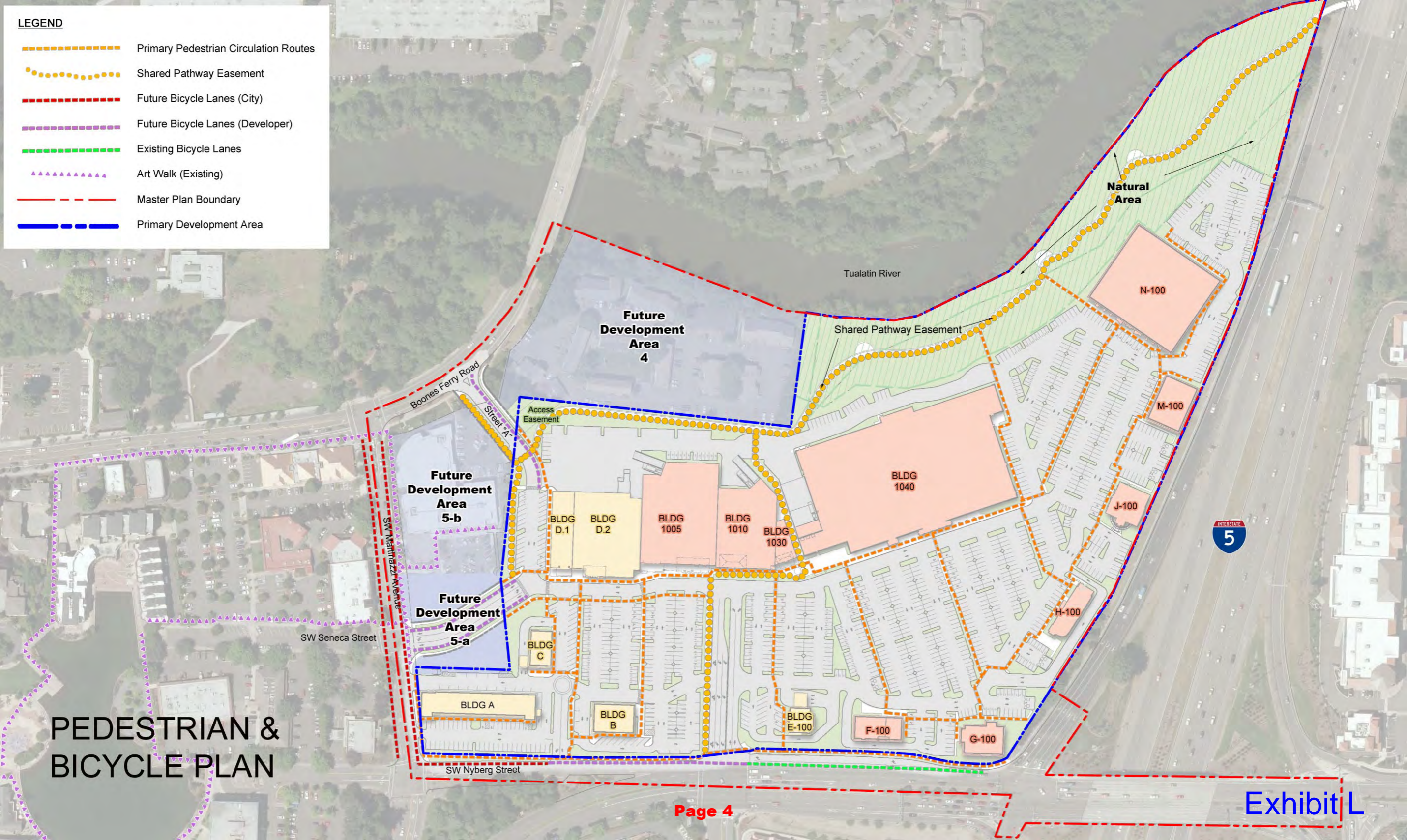
TOTAL PROVIDED STALLS:	1,320 stalls
PARKING RATIO:	4.49/1,000 SF
PARKING STALL DIMENSIONS:	STANDARD 9-ft X 19-ft COMPACT 7.7-ft X 16-ft

- Notes:
- "Site Area" includes only the areas of Tualatin Urban Renewal Blocks that are subject of this development proposal. Other phases of the Master Plan may be developed by others.
  - Required Landscaping based on Gross Site Area
  - Building areas listed in table may differ from actual footprint size to allow for interior walls and architectural elements.
  - For design detail of the handscape and landscaping along shops of buildings D.2, 1005, 1010, 1030 and 1040, reference Exhibit Q-1 Building Frontage Landscape Plan.

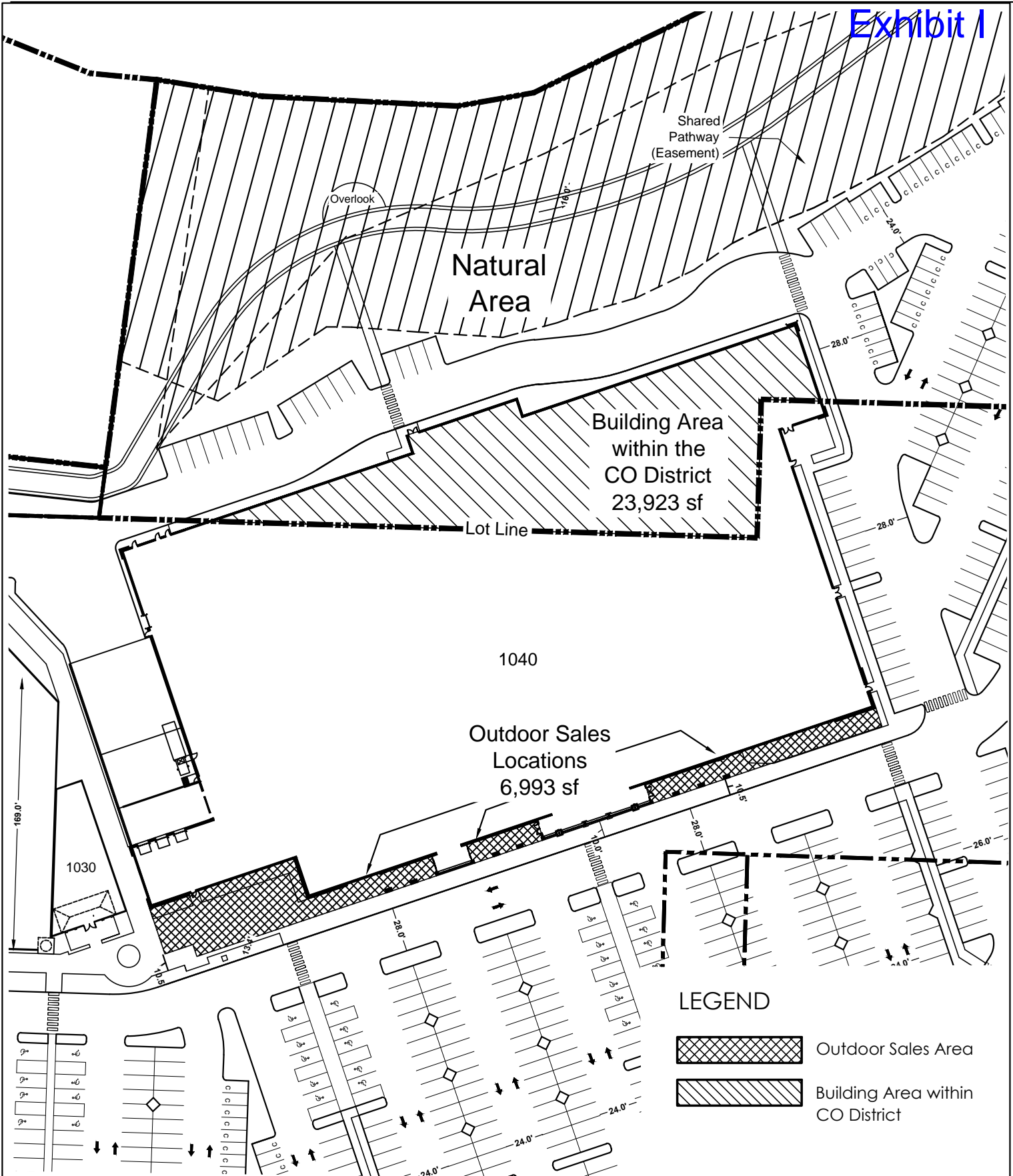


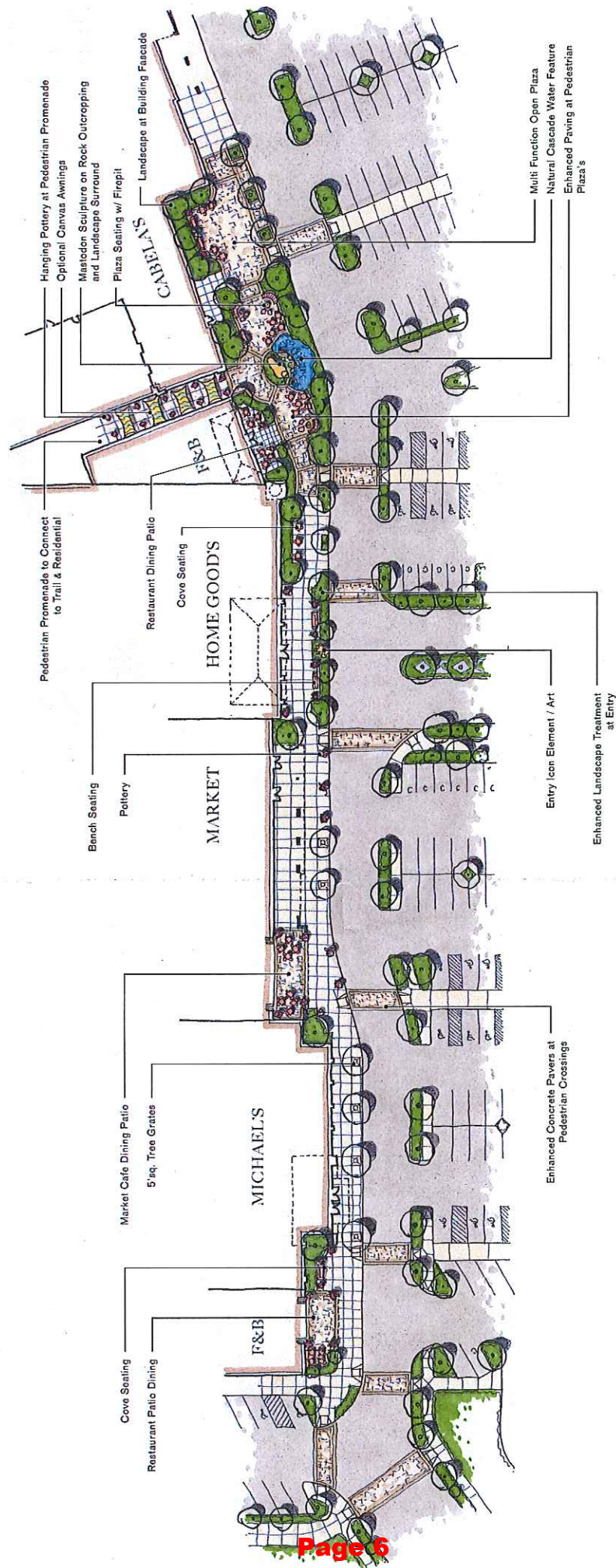
**LEGEND**

- Primary Pedestrian Circulation Routes
- Shared Pathway Easement
- Future Bicycle Lanes (City)
- Future Bicycle Lanes (Developer)
- Existing Bicycle Lanes
- Art Walk (Existing)
- Master Plan Boundary
- Primary Development Area



# PEDESTRIAN & BICYCLE PLAN





**EXHIBIT Q 1-BUILDING FRONTAGE LANDSCAPE PLAN**

June 26, 2013 | scale 1"=20'-0"  
 0 10 20 40 NORTH



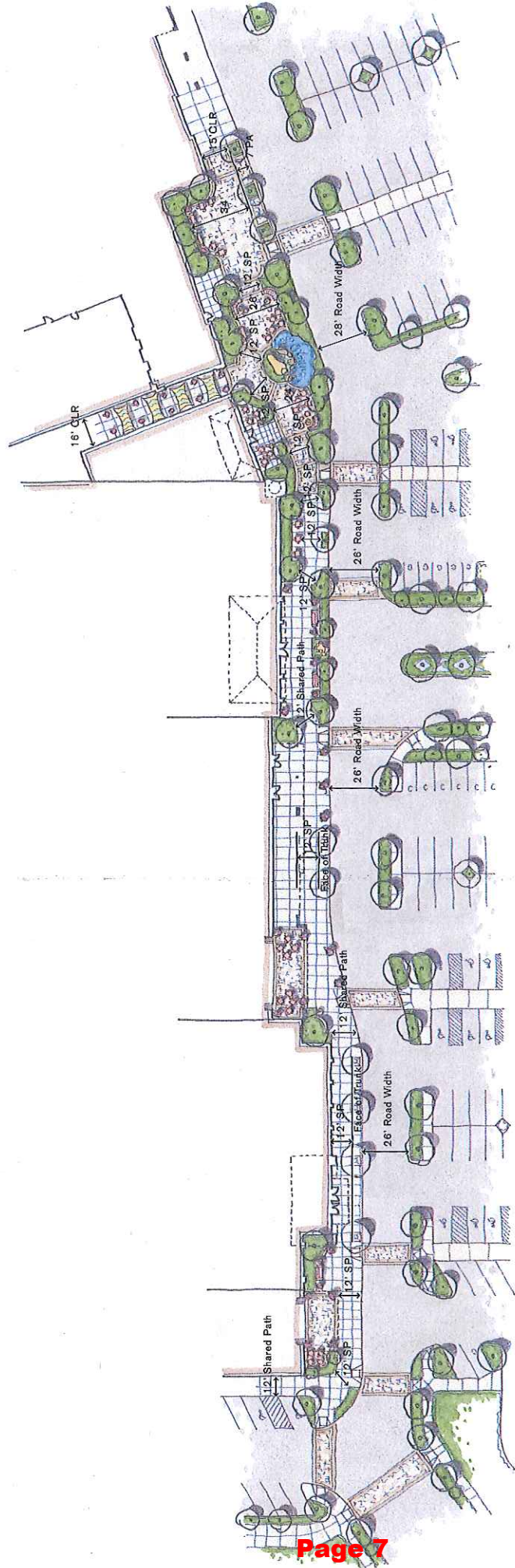


EXHIBIT Q-2-BUILDING FRONTAGE LANDSCAPE PLAN

June 28, 2013 | scale 1"=20'-0"



CENTURIAL PROPERTIES LLC  
LANDSCAPE INTERNATIONAL | newport beach

Tualatin, Oregon



**ATTACHMENT 301**  
**CUP-13-04: ANALYSIS AND FINDINGS**

The approval criteria of the Tualatin Development Code (TDC) 32.030 must be met if the proposed Conditional Use Permits (CUP) listed are to be granted:

- Allow permitted uses of the Central Commercial (CC) Planning District to be located within development on property in the Commercial Office (CO) Planning District, Central Urban Renewal Plan Block 1.
- Allow "Outside storage or sales" for a development in the CC Planning District.

The Applicant prepared a narrative that addresses the CUP criteria (Attachment 201, 202). Staff has reviewed the Applicants' material and included pertinent excerpts below.

**1. The use is listed as a Conditional Use in the underlying planning district.**

The Applicant is applying for conditional use permits to allow:

- The Nyberg Rivers Building 1040 retail use in the 24,000 sq. ft. northern portion of Building 1040 that is within the Commercial Office (CO) Planning District and CURD Block 1 (Parcel 2S124A 2700).
- An outdoor storage and sales area adjacent to the Nyberg Rivers Building 1040 that is within the Central Commercial (CC) Planning District (Parcels 2S124A2100 and 2S124B2507).

Within Central Urban Renewal District Plan (CURD) Block 1 and the Commercial Office (CO) Planning District "Uses Permitted in the Central Commercial (CC) Planning District" are listed as a conditional use, Tualatin Development Code (TDC) 50.030(2). The CC Planning District allows various retail, professional and service uses as permitted, TDC 53.020.

The Nyberg Rivers Building 1040 is a proposed sporting goods store. A "sporting goods store" is a permitted use in the CC Planning District" as per TDC 53.020(45). Locating a portion of the Building 1040 sporting goods store use in the portion of the Building located in the CO Planning District CURD Block 1 is allowed as a conditional use.

"Outside storage or sales" is listed as a conditional use in the Central Commercial (CC) Planning District" TDC 53.050(5).

The Nyberg Rivers Building 1040 is a proposed sporting goods store. A "sporting goods store" is a permitted use in the CC Planning District" as per TDC 53.020(45). Locating a portion of the Building 1040 sporting goods store use in the portion of the Building located in the CO Planning District CURD Block 1 is allowed as a conditional use. The south portion of the Nyberg Rivers Building 1040 is in the CC Planning District. The proposed outside storage and sales activity shown on the south elevation of Building 1040 is allowed as a conditional use.

Criterion 1 is met.

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

**Size:** The proposed Nyberg Rivers shopping center site is a commercial center project proposal to redevelop the former KMart site and adjacent properties. The Nyberg Rivers project will encompass a net development area of approximately 26 acres on the 32 acre Primary Development Area (Attachments 102, 201). The project site will be redeveloped through a Master Plan (MP-13-01) followed by Architectural Review with proposed seven (7) new one-level buildings with parking, landscaping, and access on SW Nyberg Street, SW Martinazzi Avenue and SW Boones Ferry Road. Existing Buildings A, B, D1, D2 and E-100 will remain. The former KMart store and Jiggles Restaurant buildings will be demolished. Wendy's restaurant will be relocated.

The requested conditional uses are associated with the proposed new 110,000 square foot Building 1040 which is identified as a sporting goods retail store. A 24,000 square foot portion of building 1040 is located on the currently undeveloped 11 acre parcel 2S124A 2700 in the CO Planning District which has a minimum lot size of 10,000 square feet (TDC 50.050). The remainder of Building 1040 is located on parcels 2S124A2100 (8.8 acre) and 2S124B2507 (2.8 acre) in the CC Planning District which has a minimum lot size of 10,000 square feet (TDC 53.060). There is adequate room within the developed CO and CC portions of the site for the proposed uses associated with Building 1040. The site size is suitable for the uses requested.

**Shape:** The shape of the subject property is irregular and bounded by the Tualatin River, Interstate I-5, SW Nyberg Street and the City Hall/ Library Campus. The shape is suitable for the Nyberg Rivers development and the proposed uses associated with Building 1040.

**Location:** The Nyberg Rivers site is at the northwest corner of the I-5 Freeway Exit 289/Nyberg interchange, has extensive frontage adjoining the I-5 Freeway property and includes Tualatin River Greenway frontage where public access and natural area enhancements are identified. It is on the eastern edge of downtown Tualatin. To the west, the City Hall/Library campus directly abut the site and the Lake of the Commons is nearby. The Fred Meyer Shopping Center and the recently installed

Gateway Feature are located south of the site. Nyberg Street and Tualatin-Sherwood Road adjoin the site to the south and will provide the primary access to the development. Martinazz Avenue is west of the site and SW Boones Ferry Road is at the northwest corner. Both of these streets are intended to provide secondary access to the development. The subject Building 1040 location is at the center of the Nyberg Rivers site with new buildings, parking lots, a loading service area bordering.

- Topography: The site is flat with little change in topography.
- Improvements: The Nyberg Rivers development will occupy 26 acres of the former KMart/Mercury Development shopping center and the associated properties shown on Attachment 102. The Nyberg Rivers Master Plan proposes seven new buildings, renovated and expanding parking areas, landscaping, loading and service areas, pedestrian and bicycle facilities, access improvements and public facility improvements for streets and stormwater. The subject Building 1040 is approximately 110,000 square feet in floor area.
- Natural Features: The northern portion of the Nyberg Rivers site adjoins the Tualatin River and the Tualatin River Greenway (Attachment 102). The Nyberg Rivers Master Plan shows a 5.3 acre Natural Area that is currently set aside for preservation and restoration and is proposed to be enhanced as part of the development process for Nyberg Rivers. A shared pathway (Tualatin River Greenway) is shown on the plans extending from the I-5 Bridge to the proposed "Street A" public street at the northwest corner of the development site.

The applicant states: "The conditional use is proposed to be developed within an existing retail center. The site is already committed to large format retail with a mix of smaller and medium sized complementary commercial uses. The site is zoned CC and CO and allows and encourages the kinds of uses contemplated here. The Urban Renewal Plan further encourages redevelopment of this site with a denser mix of commercial uses to meet the redevelopment and economic development objectives of that Plan as discussed earlier in this application. The site size and shape allow an efficient layout of the uses with adequate parking and a well-designed landscape plan. Site topography is relatively flat with no steep grades. The location of the site is adjacent to the City's downtown and adjacent the I-5 corridor along Nyberg Street, a corridor already committed to large format retail development and designed to accommodate commercial uses. As detailed above and incorporated herein by reference, the transportation system can safely accommodate the use and the development of the site will include several improvements to public facilities that will improve bicycle, pedestrian and vehicle movements in the area. The Tualatin River runs to the north of the site and will not be negatively impacted. In fact, the site development includes a dedication of a trail



easement along the river for future development. Therefore, the characteristics of the site are suitable for the proposed use.”(Attachment 201-Application Narrative, page 67).

The current and proposed Nyberg Rivers center tenants are stores, banks, restaurants and services. The proposed use of Building 1040 is a sporting goods store. None of the existing or proposed center tenants are likely to have activities or business requirements in terms of access or parking that will have conflicts with the Building 1040 proposed commercial activities. The parking and access improvements associated with the Nyberg Rivers development and the proposed Building 1040 commercial activities will be addressed in the Master Plan and Architectural Review.

Given the features and improvements of the subject property listed above, it is concluded the characteristics of the site are suitable for the proposed uses.

Criterion 2 is met.

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

The applicant states:

“The findings above under the Master Plan and Urban Renewal Plan address the transportation facilities in the area and cite to the TIA completed for the proposed project. The scope of the TIA was first approved by Washington County and the City. The Applicant then conducted the analysis consistent with this scoping agreement. The analysis demonstrates that all study intersections will continue to operate at acceptable levels of service and that the development is timely considering the adequacy of transportation services. This conditional use request pertains to only 23,513 SF (Revised in Addendum 1 to 23,923 SF) of the sporting goods store and the outdoor storage and sales. These uses represent a small fraction of the uses identified in the TIA. Because the entire site and its associated density are consistent with the timely delivery of transportation facilities, so too is a small portion of that square footage subject to this conditional use request.”

“As discussed above, and incorporated herein by reference, the Applicant has proposed to complete the required infrastructure improvements to the water, sanitary sewer and stormwater systems that service the site. The proposed large format retail store is consistent with this requirement. (Attachment 201, pp. 67-68)

Public sewer and water and storm will be addressed in the Nyberg Rivers Master Plan and Architectural Review and will be required to be adequate to serve the site and proposed use.

The proposal to allow Nyberg Rivers to add 24,000 square feet of retail store use in Building 1040 to development in the CO Planning District on Parcel 2700 and add approximately 7,000 square feet of outside storage and sales area to the proposed Building 1040 will not result in changes to the traffic analysis and transportation requirements of the Nyberg Rivers project. The transportation system, public facilities and services that are necessary for the Nyberg Rivers project as a whole will be considered in MP-13-01 and subsequent Architectural Review.

Based on staff review and analysis of the application, the existing public facilities for the site are adequate for the proposed retail use in the CO Planning District and the proposed outside storage and sales use for Building 1040. 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 portions of the Nyberg Rivers development are in the CO and CC Planning Districts and in Central Urban Renewal Districts Blocks 1 and 2. Surrounding land uses are: (Attachment 102)

N:	CO	Tualatin River, Greenway, Proposed Natural Area.
	CO	Proposed Nyberg Rivers Building N-100 (Fitness Center)
E:	CC	Proposed Nyberg Rivers Buildings J-100, H-100 Interstate I-5
S:	CC	Proposed Nyberg Rivers Buildings G-100, F-100, Building E-100 (Banner Bank) Fred Meyer, Nyberg Crossing (Across SW Nyberg Street)
W:	CC	Nyberg Rivers Buildings 1030, 1010, 1005
	RH	Heron's Landing Apartments

The property north and west of the subject portion of the Nyberg Rivers site is a residential development and the nearest building in the complex is approximately 120 feet from the closest corner of Building 1040. All the other adjoining development or development within Nyberg Rivers near the Subject Building 1040 is commercial and is or will be developed as a retail shopping center. The proposed outside sales area is shown on the south elevation of Building 1040 in the same location as public plaza and public walkway proposed in the Nyberg Rivers Master Plan.

The applicant states:

“The character of the area is defined by its existing and surrounding uses. The site itself is currently developed with a retail center. This application will permit the

redevelopment of that center with a well-designed site plan, landscape plan and architectural elevations. New commercial uses will replace old commercial uses. Vacant and undesirable uses will be removed and replaced with a more family-friendly and active center. The Site Plan as proposed reflects the uses allowed in the underlying zoning district and contemplated in the Urban Renewal Plan. The transportation, pedestrian and bicycle network will be improved with this development, not only serving the subject site but contributing to greater circulation options for surrounding properties. In particular, the new loop road through the site will make the new connection between Boones Ferry, Seneca and Nyberg streets and the improvements along Nyberg will facilitate better traffic movements along the perimeter.

The surrounding properties are also zoned for like uses. The redevelopment of this site will complement and perhaps encourage future redevelopment on other surrounding parcels as more people are drawn to the downtown core by these economic redevelopment projects. The proposed use will not therefore alter the character of the surrounding area in a way that impairs, precludes or limits. Rather, redevelopment of this underutilized site in the Central Urban Renewal Area will more likely encourage similar redevelopment opportunities consistent with the underlying planning districts.” (Attachment 202-Application Narrative, pg. 5).

In Attachment 202, pg. 7, the applicant goes on to state:

“The outdoor storage and sales area is illustrated in the attached Nyberg Rivers Conditional Use Exhibit, Exhibit I, dated 6/13/2013. This area is entirely within the CC District and is not located in whole or in part in the CO District. The outdoor storage and sales area is accessory to the use it is attached to, Cabela’s, and is not dedicated to any other use on the site. The size of this area is 6,993 square feet and the merchandise sold in this area is the merchandise that will be sold in the primary use. This merchandise is recreational equipment and sports outfitting.”

The proposed location of the Building 1040 retail use within the portion of the building that extends into the Commercial Office (CO) Planning District and CURD Block 1 is not an activity that will alter or impact the surrounding area in any significant way. Adding the retail use to the allowed development on the subject Parcel 2700 will not preclude development of permitted commercial office uses allowed in the CO District. The proposed commercial use allowed under Tualatin Development Code 50.030(2) meets the requirement of Criterion 4.

The Nyberg Rivers Master Plan narrative and plans (Attachment 202, Exhibits Q1 and Q2) identify a “Multi-function Open Plaza” located between the south west corner of Building 1040 and the proposed Buildings 1030 and 1010 where there is an intersection of pedestrian and bicycle ways. The plaza is described as providing a community gathering place that will include landscaping, art and pedestrian amenities as part of an

“...enhanced pedestrian experience throughout Nyberg Rivers” (Attachment 202, pg. 22). The proposed plaza plans show seating, canopies, awnings, landscape planters, water, fireplace and statuary features. The width of the open portions of the plaza ranges from approximately 20 ft. to 30 ft. with 10 ft. to 12 ft. wide aisles within the plaza. The area of the plaza is approximately 6,400 sq. ft., including the outdoor dining area associated with Building 1030 (food & beverage) and raised planters/sculpture/feature pads.

Also, the Master Plan site plan (Attachment 202, Exhibit A, L, Q1 and Q2) show a primary pedestrian route and “linear” plaza across the front (south) elevations of the subject Building 1040 as well as west across Buildings 1030, 1010, 1005, D2 and D1. The walkway area includes raised planters, seating, sculpture features, canopies and outdoor dining/outdoor sales areas associated with the grocer and retailer storefronts. The width of the east west walkway/plaza surface is approximately 12-16 ft. while the passage way for pedestrians ranges from 8 ft. to 16 ft. taking into account raised planters, trees, and space devoted to dining/ retail activities. The pedestrian route will function as an attractive east/west connection across the Nyberg Rivers storefronts of the main center buildings as well as a connection north, south and west to other downtown locations including the Tualatin River, Library/City Hall Campus and commercial areas south.

In the Master Plan MP-13-01, the need for public gathering spaces and connections to civic areas are discussed in terms of the Central Urban Renewal Plan Goals and Objectives. Also the pedestrian and bicycle connections within the development are given importance.

The proposed “outdoor sales area” identified in Attachment 202, Exhibit I shows the sales activity occupying portions of the plaza and pedestrian walkway across the front elevation of Building 1040. The proposed outside sales area also occupies approximately 12 ft. of the 22 ft. (as scaled by staff from Attachment 202, Exhibit Q1 and Q2) wide paved walkway surface between the Building 1040 south exterior wall and the abutting drive aisle. This conflict reduces the safety and desirability of a public outdoor space, allowing the outside sales use to restrict the area and amenity available for the public plaza and pedestrian walkway uses identified as important in the Master Plan. The proposed location of outside sales in the same space identified as public plaza and as adequate space for the pedestrian walkway on the front and main entry elevation of Building 1040 does not meet Criterion 4.

The applicant indicates that the proposed outside sales area will be for the Building 1040 sporting goods store tenant and states “This merchandise is recreational equipment and sports outfitting.” It is not clear what products will be offered in the outside sales area. The Building 1040 tenant has been identified as Cabela’s, a large outdoor and sports equipment retailer. In a review of the proposed tenant’s commercial

offerings and provided in public comments at the Architecture Review Advisory meeting and in comment documents, the Cabela's firm commonly displays large sports recreation equipment outside the building at store locations. Typically, the merchandise displayed outside of the stores includes tents and shelters, canoes, kayaks, outboard and inboard powered boats, trailers and motorized ATVs. Merchandise is typically displayed on the pavement or on large racking systems.

Staff notes that marine craft sales, trailer sales, and ATV sales are not permitted uses in the Central Commercial Planning District and sale of such would not meet Criterion 4. It is also noted that sporting goods stores commonly sell paddle craft such as canoes, kayaks, paddle boards, inflated fishing tubes, etc. and would be considered a permitted use in the CC Planning District. To ensure that outdoor sales for the Building 1040 is in compliance with the standards of the CC Planning District and meets Criterion 4 staff recommends a condition of approval for outdoor sales that restricts sales and display of outboard and inboard powered boats, trailers and motorized ATVs.

To meet the suitability requirements of Criterion 4, staff recommends the following conditions of approval for the proposed outside storage and sales use:

1. Recreational equipment, apparel and sports outfitting sales are prohibited in areas identified as public gathering, multi-function open plaza and plaza seating with fire pit in the approved Master Plan Exhibit Q1 Building Frontage landscape plan.
2. Outside sales areas on the south elevation of Nyberg Rivers Building 1040 shall be located in a manner that provides a minimum of 12 feet in clear, unobstructed width for walkways or accessways through a plaza or along the building frontage.
3. Outdoor sales and display of outboard and inboard powered boats, trailers and motorized ATVs are prohibited.

The Conditional Use applications will allow retail sales in Parcel 2700 portion of the Nyberg Rivers Building 1040 and allow with conditions outside storage and sales on the south elevation of Building 1040. Based on the applicant's submitted information, review by staff, with the approval of the proposed Nyberg Rivers Master Plan and with the conditions of approval listed above, it is concluded that the proposal will not alter the character of the surrounding area in any manner which substantially limits, impairs or precludes the surrounding properties for the primary uses listed in the underlying Planning Districts.

Criterion 4 is met.

## **5. The proposal is consistent with plan policies.**

Staff identified one Tualatin Community Plan objective in TDC Chapter 6 (Commercial Planning Districts) that apply to the proposed commercial development activities in the CC Planning District and is relevant to the CO District as well.

Section 6.040(4) states, "To provide areas for a full range of retail, professional and service uses of the kinds usually found in downtown areas patronized by pedestrians. Civic, social and cultural functions that serve the general community are also appropriate. The Central Commercial Planning District is almost entirely within the downtown portion of the urban renewal area. The Urban Renewal Plan contains extensive development policies and design standards that apply to this district. These policies and standards are intended to help create a village atmosphere in the downtown area."

The Nyberg Rivers shopping center development proposed in Master Plan MP-13-01 is subject to the objectives and standards found in the Central Urban Renewal District Plan. These will be evaluated in the Master Plan review process which will be followed by Architectural Review for the development. The proposal to develop the Nyberg Rivers as a commercial center, extend the retail activities into the Commercial Office portion of the site and propose outside storage and sales for one of the Nyberg Rivers buildings is suitable at this location.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above findings and analysis and with the recommended conditions of approval, the Nyberg Rivers Conditional Use permit application allowing CC Planning District permitted uses in the CURD Block 1/CO Planning District and to allow outside storage and sales on the south elevation of the proposed Building 1040 in the CC Planning District meets the criteria of TDC 32.030.



# Nyberg Rivers Conditional Use Permit Public Hearing

City Council July 22, 2013

Attachment 401, Page 1



# Meeting Purpose

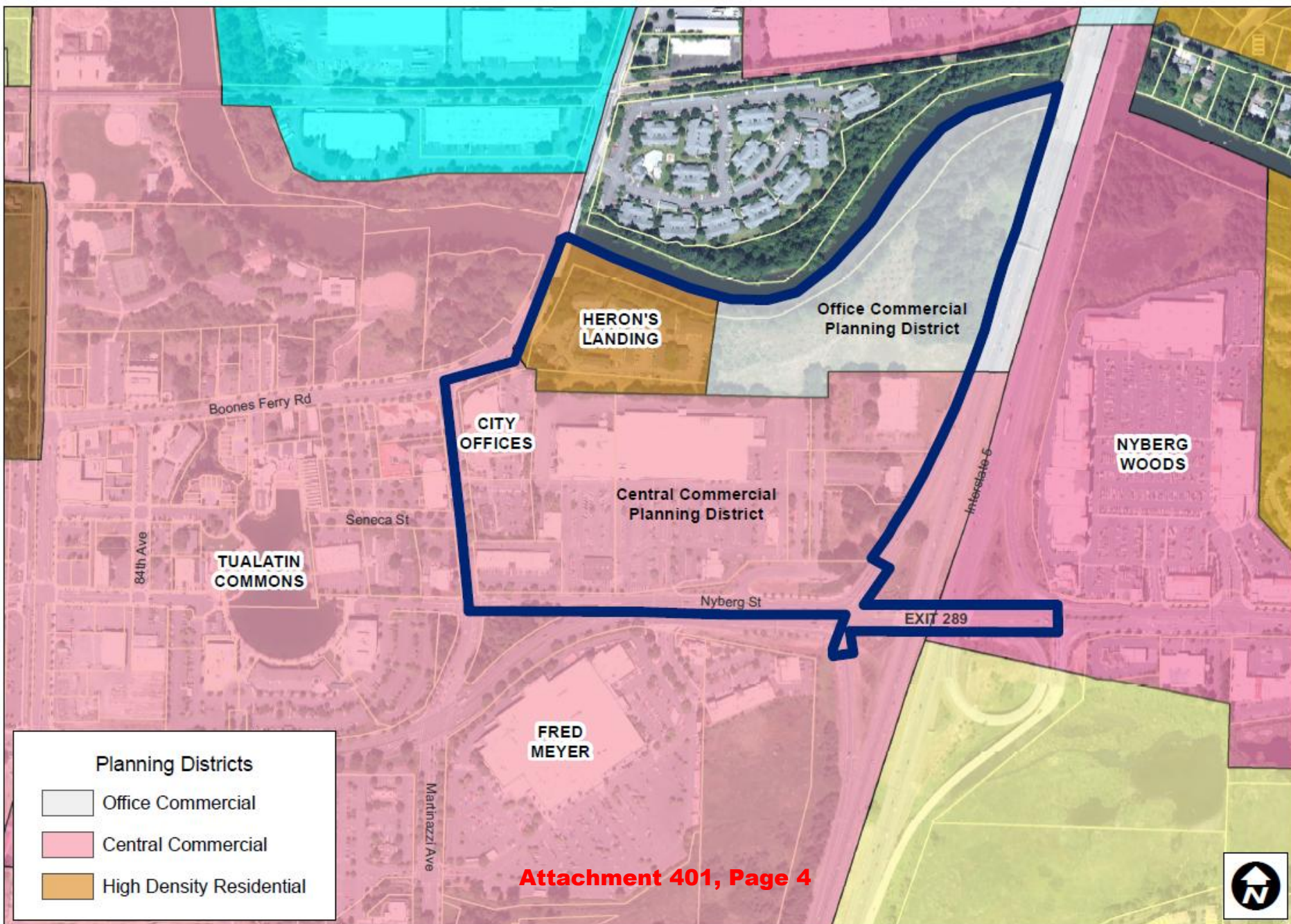
- **Conditional Use Permit Public Hearing:**  
Application to allow:
  - Commercial (Retail) uses in a Commercial Office Planning District
  - Outside Storage and Sales in a Central Commercial Planning District





# Conditional Use Overview

- **Why a Conditional Use?**
  - The Nyberg Rivers development site, specifically, the proposed major tenant building, is split between Commercial Office and Central Commercial Planning Districts
  - In order to allow retail in the Commercial Office and outdoor storage and sales in Central Commercial, a Conditional Use Permit is needed
- **What is a Conditional Use Permit?**
  - Outlines and allows for proposed conditional uses
- **What has been the process to date?**
  - March: Neighborhood Developer Meeting
  - April: Application Submitted
  - July/August: City Council Review and Direction



# Proposed Site Plan





# Review of Application

## Important Dates

- Submitted Application on April 22, 2013
- Deemed Complete on May 22, 2013
- 120-day review period ends on Sept. 19, 2013

## Analysis and Findings

- Staff finds that the proposed Conditional Use Permit meet the five review criteria, subject to conditions.

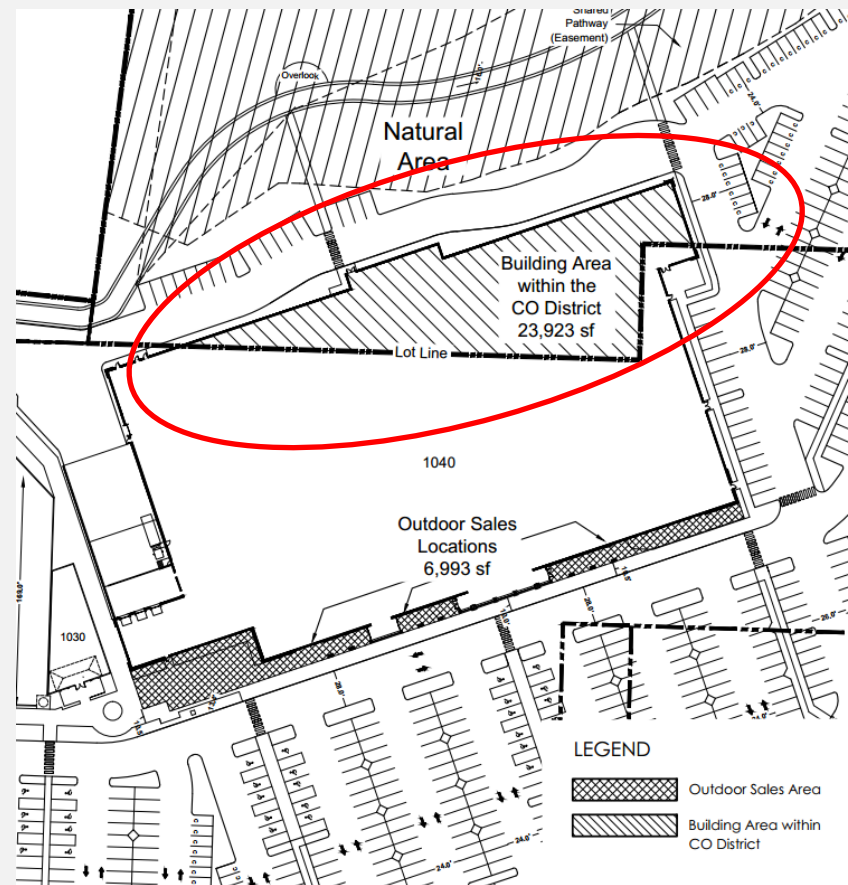


# Review of Application

## Retail Uses in Commercial Office (CO)

### Sporting Goods Store

- Allowed as a conditional use in Commercial Office (CO) on Block 1 of the CURD.



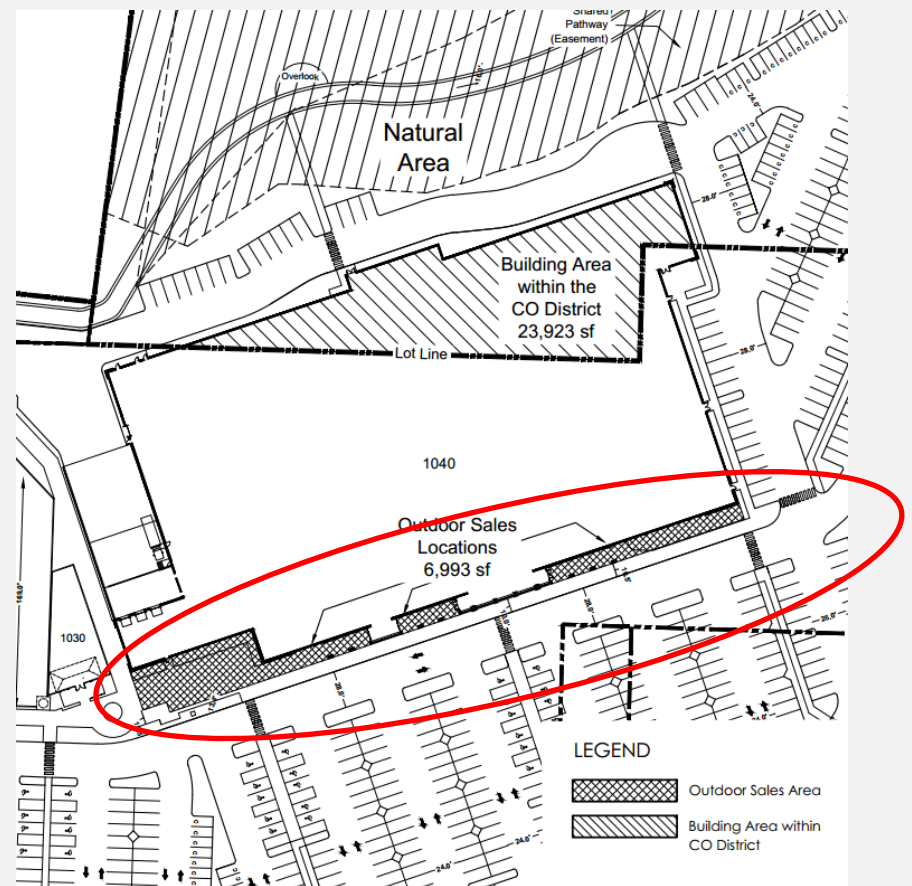


# Review of Application

## Outside Storage and Sales in Central Commercial (CC)

### Outside Sales

- Allowed as a conditional use in Central Commercial (CC)





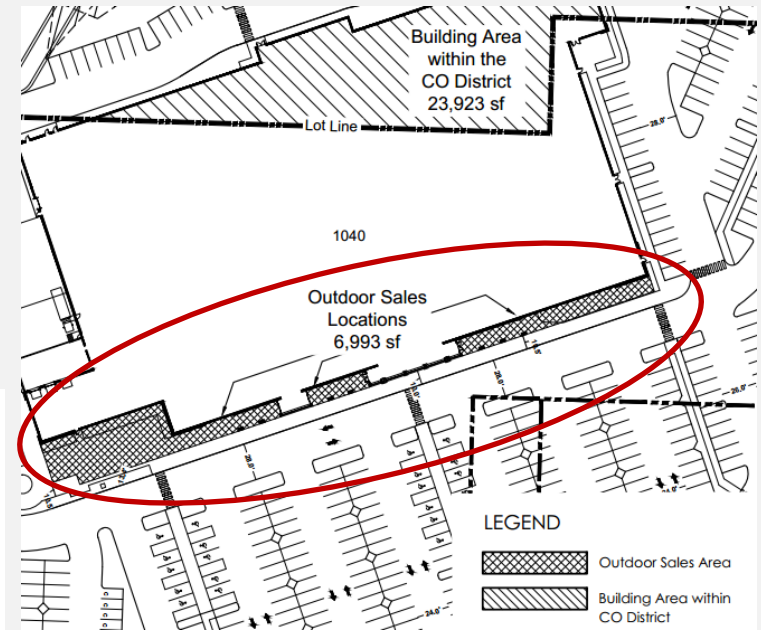
# Review of Application

## Proposed Conditions

Recreational equipment, apparel and sports outfitting sales are prohibited in public gathering places

Outside sales areas shall provide a minimum of 12 feet in clear, unobstructed width for public gathering spaces, accessways and walkways

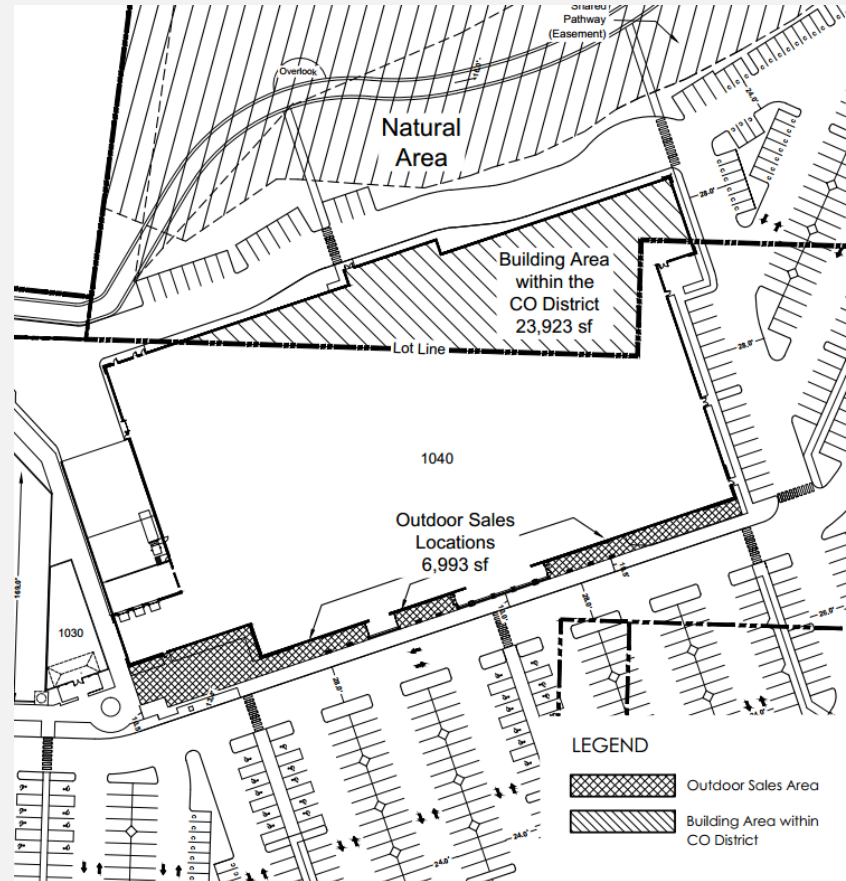
Boats, trailers, and ATVs are prohibited





# Possible Council Actions

- Approve
- Approve with Conditions
- Deny

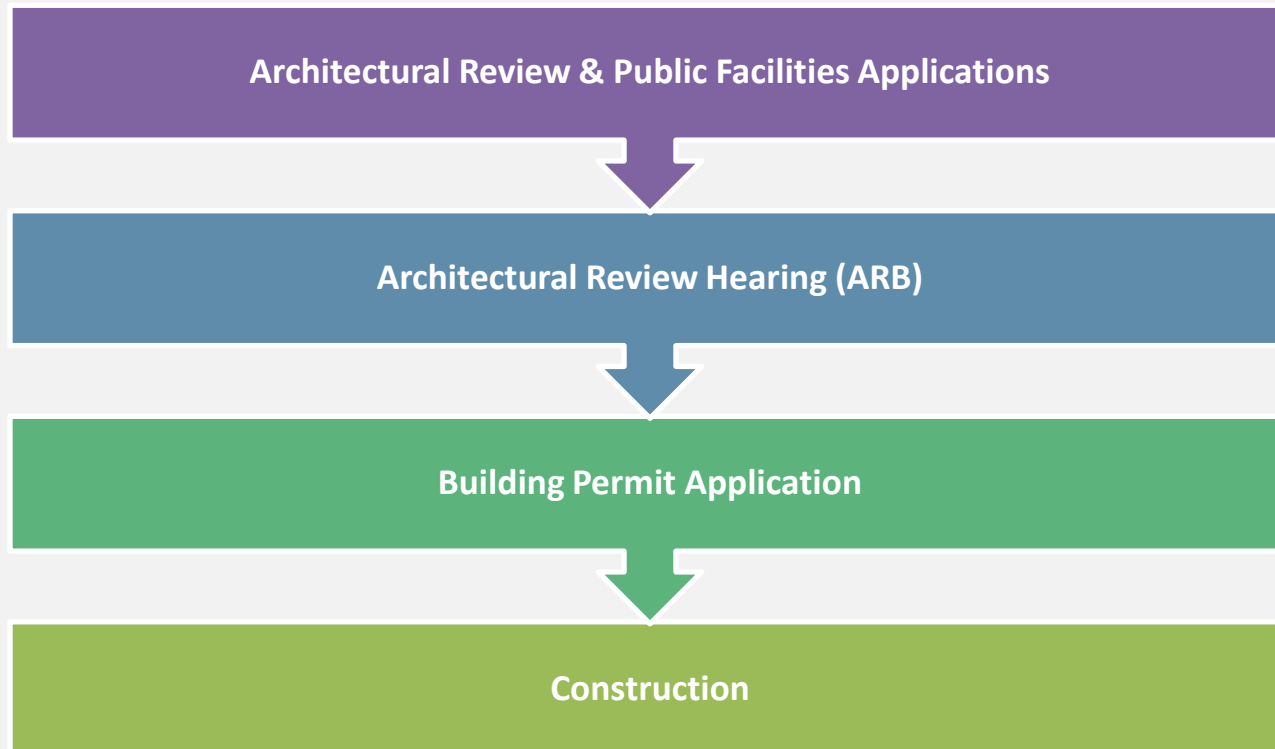






# Next Steps

If the Conditional Use Permit is approved, these are the next steps:



## City Council Meeting

H. 1.

Meeting Date: 07/22/2013

**SPECIAL REPORTS:** Resolution Authorizing Solid Waste & Recycling Rate Adjustment

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### SPECIAL REPORTS

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

### SUMMARY

In May 2013, Republic Services delivered a letter (Attachment C) for consideration by Council for a rate increase. Republic Services is requesting a 3.1% aggregate rate adjustment with an effective date of July 1, 2013. According to the letter, Republic proposed a revenue increase is necessary to continue providing the quality services specified in their franchise agreement with the City. The City last approved a rate increase of 5.9% for these services in June of 2011.

According to the request presented, Republic Services stated that during the past two years, a number of factors have impacted their rate of return for which the company has had little control, such as:

- Inflation has increased 4.75%;
- Fuel costs have increased 32%;
- Disposal costs have increased 9.3%;
- Retired three collection vehicles;
- Retired and replaced 1,800 collection carts, 100 commercial containers and eight industrial drop boxes; and
- Experienced decline in recycling commodity revenues.

Republic Services has taken steps to absorb these increases without reducing the service levels Tualatin residents expect and deserve. In addition, Republic Services has 14 vehicles assigned to serve the residential, commercial and industrial accounts in the City of Tualatin and anticipates replacing two of these vehicles during the next 12-18 months at an estimated cost of \$225,000 to \$278,000 depending upon the type of collection performed.

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### Attachments

A - Resolution 5154-13

B - Schedule A

C - Republic Rate Increase Request

D - Power Point Presentation

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RESOLUTION NO. No. 5154-13

RESOLUTION APPROVING THE REPUBLIC SERVICES RATE ADJUSTMENT  
REQUEST

WHEREAS, City of Tualatin has an exclusive franchise with Republic Services, as set forth in Ordinance No.1318-11 ;

WHEREAS, Republic Services has requested a 3.1% aggregate rate adjustment because of increased costs due to inflation, fuel and disposal costs, vehicle and container replacements and a decline in the commodity revenues; and

WHEREAS, the City Council considered the 3.1% aggregate rate adjustment to the solid waste and recycling fees from Republic Services; and

WHEREAS the proposed rate adjustment will keep Tualatin rates comparable with the average cost of service to surrounding cities; and

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

Section 1. Effective July 1, 2013, the services rates and changes set forth in Schedule A, which is attached and incorporated into this resolution, are established and authorized for collection of solid waste, refuse, and recycling material within the corporate limits of the City of Tualatin.

Section 2. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 22 day of July, 2013.

CITY OF TUALATIN, OREGON

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

APPROVED AS TO FORM

ATTEST:

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

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

**SCHEDULE A**

## ALLIED WASTE SERVICES OF CLACKAMAS AND WASHINGTON COUNTY

## CITY OF TUALATIN

Effective Date: ~~June 1, 2011~~ July 1, 2013

I. RECYCLING SERVICES: The rates below were established to include the cost for specific recycling services, as well as the collection and disposal of solid waste. They include:

## A. SINGLE-FAMILY RESIDENTIAL:

1. Weekly curbside pick-up of co-mingled recycling on the same day as garbage service providing one 65-gallon roll-cart container and two 14-gallon totes.
2. Weekly curbside pick-up of yard debris providing a 90-gallon roll cart. Only yard debris at the curb in the 90-gallon roll cart will be collected.

B. MULTI-FAMILY RESIDENTIAL: Weekly or weekly on-call pick-up of recyclables (newspaper, glass, tin, aluminum, and cardboard).

C. CITY OFFICES: Office paper recycling of all items included in the Allied Waste Services Mixed Paper Program and corrugated cardboard.

## II. MONTHLY RATE FOR RESIDENTIAL SERVICE OF ONE CART:

Cart Size	One Stop per Week
20-Gallon	<del>\$20.05</del> <u>\$20.65</u>
35-Gallon	<del>\$23.50</del> <u>\$24.21</u>
60-Gallon	<del>\$31.00</del> <u>\$31.93</u>
Occasional extra (35-gallon can or 1 bag)	<del>\$5.00</del> <u>\$5.15</u>
An additional cart will be charged at double the single cart rate.	

NOTES ON RESIDENTIAL SERVICE: (1) In mobile home parks and apartment complexes where residents have individual cart service and individual billing, single-family cart rates will apply. Where park residents have individual service, but the owner of the park is responsible for payment of services, single-family cart rates will be reduced by \$1.00 per month. (2) All carts will be provided by the franchisee to regular, weekly customers with a cart service level only. No carts will be provided on an on-call basis. (3) Only 35-gallon carts can be used for the occasional extra cart for both regular and occasional customers. (4) An occasional extra 35-gallon cart for a regular customer is ~~\$5.00~~ \$5.15. (5) The minimum charge for any stop for an occasional customer is ~~\$9.45~~ \$9.75. Occasional customers (on-call) should have their carts serviced a minimum of once (1) every other month.

(6) Recycling service will be provided to an occasional customer only on days that garbage is collected from that customer. A fee of ~~\$10.00~~ **\$10.50** may be charged for replacement of damaged or lost recycling bins or to customers that request more than two. Customers will be charged ~~\$60.00~~ **\$62.00** for a lost or damaged garbage cart, and ~~\$63.00~~ **\$65.00** for a yard debris cart, and ~~\$63.00~~ **\$65.00** for a recycling cart. (7) State Accident Insurance Fund safety recommendations shall be followed. Cans provided by customers shall not exceed 35-gallons and 60-pounds when full. (8) Yard debris carts are intended for the collection of yard debris only. If the yard debris cart contains material other than yard debris, collection shall be charged at garbage rates, (~~\$6.00~~ **\$6.15** per contaminated cart). (9) carts, and recycling bins shall be at curbside no more than 24 hours prior to collection and shall be removed within 24 hours after collection of solid waste and recyclables by the franchisee. (10) An extra charge may be made for service that incurs additional disposal costs such as tires, major appliances, etc., or for handling oversized, odorous, dangerous, or liquid articles. (11) Customers may request recycling only (~~\$6.25~~ **\$6.50** per month); yard debris collection only (~~\$6.25~~ **\$6.50** per month); or both (~~\$12.00~~ **\$12.35** per month). 12. An extra charge of ~~\$20.00~~ **\$20.75** for a driver to go back and pick up a customer that was reinstated or failed to put cart out on time after driver has left area.

III. MULTI-FAMILY AND COMMERCIAL SERVICE:

Monthly Rates For Multi-Family and Commercial Single Cart Service - Loose	
Cart Size	One Stop Per Week
35-Gallon	<del>\$17.65</del> <b>\$18.18</b>
60-Gallon	<del>\$24.00</del> <b>24.72</b>
90-Gallon	<del>\$30.10</del> <b>\$31.00</b>
An occasional extra 35-gallon can or bag will be charged at <del>\$5.00</del> <b>\$5.15</b> each.	
An additional cart will be charged at double the single cart rate.	

Monthly Rates For Multi-Family and Commercial Container Service -- Loose							
Container Size	Stops Per Weeks						
	1	2	3	4	5	6	7
1 Cubic Yard	<del>\$77.85</del> <b>\$80.19</b>	<del>\$148.75</del> <b>\$153.21</b>	<del>\$217.75</del> <b>\$224.28</b>	#N/A	#N/A	#N/A	#N/A
1.5 Cubic Yards	<del>\$108.85</del> <b>\$112.12</b>	<del>\$213.55</del> <b>\$219.96</b>	<del>\$312.25</del> <b>\$321.62</b>	<del>\$406.55</del> <b>\$418.75</b>	<del>\$498.15</del> <b>\$ 513.10</b>	#N/A	#N/A
2 Cubic Yards	<del>\$144.30</del> <b>\$148.63</b>	<del>\$280.25</del> <b>\$288.6</b>	<del>\$409.00</del> <b>\$421.27</b>	<del>\$531.10</del> <b>\$547.03</b>	<del>\$651.80</del> <b>\$671.35</b>	<del>\$782.15</del> <b>\$805.61</b>	<del>\$912.45</del> <b>\$939.82</b>
3 Cubic Yards	<del>\$200.40</del> <b>\$206.41</b>	<del>\$387.90</del> <b>\$399.54</b>	<del>\$564.60</del> <b>\$581.54</b>	<del>\$728.05</del> <b>\$749.89</b>	<del>\$900.80</del> <b>\$927.82</b>	<del>\$1,094.40</del> <b>\$1,127.23</b>	<del>\$1,261.10</del> <b>\$1,298.93</b>
4 Cubic Yards	<del>\$254.55</del> <b>\$262.19</b>	<del>\$492.65</del> <b>\$507.43</b>	<del>\$729.10</del> <b>\$750.97</b>	<del>\$952.25</del> <b>\$980.82</b>	<del>\$1,168.15</del> <b>\$1,203.19</b>	<del>\$1,401.75</del> <b>\$1,443.81</b>	<del>\$1,635.40</del> <b>\$1,684.46</b>
5 Cubic Yards	<del>\$311.20</del>	<del>\$611.45</del>	<del>\$893.20</del>	<del>\$1,176.05</del>	<del>\$1,443.10</del>	<del>\$1,731.70</del>	<del>\$2,020.35</del>

	<del>\$320.54</del>	<del>\$629.79</del>	<del>\$920.00</del>	<del>\$1,211.33</del>	<del>\$1,486.39</del>	<del>\$1,783.65</del>	<del>\$2,080.96</del>
6 Cubic Yards	<del>\$359.40</del>	<del>\$705.85</del>	<del>\$1,046.75</del>	<del>\$1,358.85</del>	<del>\$1,705.00</del>	<del>\$2,017.10</del>	<del>\$2,353.80</del>
	<del>\$370.18</del>	<del>\$727.03</del>	<del>\$1,078.15</del>	<del>\$1,399.62</del>	<del>\$1,756.15</del>	<del>\$2,077.61</del>	<del>\$2,424.41</del>
8 Cubic Yards	<del>\$451.75</del>	<del>\$886.25</del>	<del>\$1,310.55</del>	<del>\$1,742.80</del>	<del>\$2,016.25</del>	<del>\$2,325.90</del>	<del>\$2,822.75</del>
	<del>\$465.30</del>	<del>\$912.84</del>	<del>\$1,349.87</del>	<del>\$1,795.08</del>	<del>\$2,076.74</del>	<del>\$2,395.68</del>	<del>\$2,907.43</del>

A. COMPACTED CONTAINER SERVICE:

Compacted is defined as manually or mechanically compacted. When materials can be collected from a compacted container by the normal container truck, the charge will be three (3) times the loose container rate. The weight of material put into a container or drop box, whether compacted or un-compacted, shall not exceed the lifting capacity of the collector's equipment nor shall the weight put the collector over the weight limit for the loaded vehicle. Compactor containers shall be furnished by the customer and shall be compatible with the collector's equipment. Customer shall be required to maintain the container in a safe and operable condition in accordance with workers' compensation board regulations.

B. RECYCLING ONLY RATES:

Where a multi-family complex uses a compactor or train system for garbage collection, the following schedule will be used to charge for recycling services provided:

Recycling Rates for Multi-Family Sites With Compactors or Train Systems	
Number of Units	Monthly Charge
10-99	<del>\$120.00</del> <del>\$123.60</del> (minimum per month)
100-199	<del>\$2.05</del> <del>\$2.11</del> per unit
200-299	<del>\$1.60</del> <del>\$1.65</del> per unit
300-399	<del>\$1.45</del> <del>\$1.49</del> per unit
400+	<del>\$1.40</del> <del>\$1.44</del> per unit

Note: Customer will provide and maintain enclosure/shelter and Hauler will provide containers. Enclosure/shelter is defined as any City/Hauler-approved system to collect material. Material to be collected must be approved by the Hauler.

NOTES ON MULTI-FAMILY AND COMMERCIAL SERVICE: (1) Additional carts shall be at 100% of the first cart rate multiplied by the stops per week. (2) An occasional extra 35-gallon can for a regular customer shall be ~~\$5.00~~ ~~\$5.15~~ each occurrence. (3) An extra charge may be made for garbage which is not readily available on collection day or which needs additional janitorial service. (4) The charge for multiple units of any type shall be to the owner of the units. (5) Collection of tires, major appliances, etc., or for handling oversized, odorous, dangerous or liquid articles will be charged according to the charges referred to in Schedule A – Section 6. (6) When a stop uses the equivalent of seven or more 35-gallon carts, collector may require that the service be shifted to a container-type service. (7) Franchisee reserves the right to refuse carts to any customer

where the use is not compatible with the cart. (8) All carts will be provided by franchisee. (9) The weight of the 35-gallon cart and contents shall not exceed 60 pounds. The weight of the 60- or 90-gallon cart and contents shall not exceed 180 pounds. (10) Carts will be picked up at curbside only and must be there prior to 6:00 a.m. (11) Carts shall be at curbside no more than 24 hours prior to collection and shall be removed within 24 hours after collection of solid waste by the franchisee. (12) Where customers within an apartment complex have individual pick-up of garbage, but no yard debris collection from each unit, the multi-family rate shall be charged. (13) A multi-family classification is defined as a single structure containing more than four living units. Where a multi-family structure is receiving cart service and the owner of the structure is responsible for the payment of services, the cart rates shall be \$1.00 per month less than the normal multi-family cart rates. 14. An extra charge may apply for garbage that is not readily available on collection day, or in need of additional janitorial service.

IV. DROP BOX SERVICE:

Drop box rates shall be the following rates plus 103% of disposal fees. The disposal fee includes landfill or transfer center fee, disposal franchise fee and Metro user or service fees. The rates are as follows:

Box Size	Loose (Per Haul)	Compacted Material
10-20-yard	<del>\$89.05</del> <u>\$92.17</u>	<del>\$131.85</del> <u>\$136.46</u> (minimum charge for 15 yards or less)
21-29-yard	<del>\$105.00</del> <u>\$108.68</u>	<del>\$137.10</del> <u>\$141.90</u>
30-39-yard	<del>\$120.90</del> <u>\$125.13</u>	<del>\$176.50</del> <u>\$182.68</u>
40+-yard	<del>\$134.70</del> <u>\$139.41</u>	<del>\$204.05</del> <u>\$212.23</u> (for 40 cubic yard box or larger)
Additional charge for delivery: <del>\$33.00</del> <u>\$35.00</u> each		

A. MISCELLANEOUS ADDITIONAL DROP BOX CHARGES:

1. Delivery fee of ~~\$33.00~~ \$35.00 shall be charged for drop box delivery for the occasional customer or repeat customer requiring service at different locations.
  - 1a. An additional haul fee of ~~\$25.00~~ \$26.00 will be charged to customers with covered (lids) boxes that require the box to be round-tripped.
2. Special disposal/diversion needs: All customers will be charged the hourly charge rate in addition to the normal haul rate whenever collected materials require disposal at a site other than the franchisee's traditional disposal site.
3. After 48 hours, temporary users of 10-cubic yard and larger drop boxes collecting loose materials shall be charged a rental fee (noted below).

Box Size	Loose (Per Day)	Per Month
10-yard	<del>\$6.50</del> <u>\$6.75</u>	<del>\$72.00</del> <u>\$75.00</u>
20-yard	<del>\$6.50</del> <u>\$6.75</u>	<del>\$72.00</del> <u>\$75.00</u>
30-yard	<del>\$7.00</del> <u>\$7.25</u>	<del>\$77.00</del> <u>\$80.00</u>
40-yard	<del>\$7.50</del> <u>\$7.75</u>	<del>\$83.00</del> <u>\$85.00</u>

4. Additional rental fees of (of ~~\$5.00~~ \$6.00 per month) may be charged to customers who require custom made drop boxes or boxes with lids. Additional rental fees of ~~\$15.00~~ \$16.00 per month will be charged for customers that have their box's hauled less than one time per month.

V. RECYCLING CHARGES FOR DROP BOX ONLY AND COMMERCIAL CUSTOMERS:

If a customer requests recycling services that are beyond the Washington County Recycling standards, the following charges will be made:

Recycling Charges for Drop Box Only and Commercial Customers Requesting recycling services only.	
Size	Monthly Charge
60-Gallon	<del>\$14.00</del> <u>\$14.45</u> per cart (includes pick-up)
90-Gallon	<del>\$17.00</del> <u>\$17.50</u> per cart (includes pick-up)
Metal tote	<del>\$22.00</del> <u>\$22.65</u> monthly rent, plus hourly rate
OCC Container	<del>\$22.00</del> <u>\$22.65</u> per month for customers that have less than 4 cubic yards of flattened cardboard per month.

VI. MISCELLANEOUS SERVICE RATES AND PROVISIONS:

- A. Hourly hauling rates (plus cost of disposal):  
 1 truck and 1 driver                      ~~\$90.00~~ \$95.00/hour  
 1 truck, 1 driver, and 1 helper        ~~\$115.00~~ \$120.00/hour
- B. Each location of carts, containers, or drop boxes will be billed as a separate account.
- C. When customer's abuse or cause excessive wear or damage to a cart, container, or drop box, the cost of repair or replacement may be charged to the customer. Customers shall take appropriate actions to ensure that hazardous materials, chemicals, paint, corrosive materials, infectious waste, or hot ashes are not put



into a cart, container, or drop box.

- D. The weight of material put into a container or drop box, whether compacted or un-compacted, shall not exceed the lifting capacity of the collector's equipment nor shall the weight put the collector over the weight limit for the loaded vehicle. The collector shall furnish the customer with information concerning limitations on his equipment, upon request. If the total weight of a container exceeds (500) pounds per cubic yard for 40-yard container, 600 pounds per cubic foot for a 30-yard, or 900 pounds for a 20-yard container, an additional reasonable disposal fee may be charged. Customers shall not overfill a can, cart, or container so that the lid cannot be securely closed. If a can, cart, or container is overfilled, an additional reasonable fee may be charged. If the contents of a container, cart, or drop box are compacted (either mechanically or manually), the compactor rate shall be charged.
- E. Customers shall provide a space for all carts, containers, or drop boxes, whether used for garbage or recycling, that has adequate and safe access for collection personnel and equipment. The space provided must also comply with the City of Tualatin Development Code.
- F. If overtime or weekend collection is required to meet the request of a customer, the hauling portion of the rate shall be increased by 50%.
- G. The collection of tires shall be charged under the hourly charge rates, plus disposal.
- H. Garbage or yard debris carts which exceed two pounds per gallon, or where lids will not properly close, will be assessed an "occasional extra" charge of ~~\$5.00~~ \$5.15.
- I. Yard debris carts contaminated with garbage will be charged ~~\$6.00~~ \$6.15 extra per occurrence.
- J. Franchisee may require generators of putrescible solid waste to remove waste at least every seven days, or more frequently, if necessary, to prevent a health hazard, nuisance, or pollution.
- K. When a single customer uses multiple carts, which are the equivalent of one cubic yard or more of waste per week, the franchisee may require the customer to change to a container type service.
- L. If material collected requires disposal at a site other than the franchisee's normal disposal site, the customer will be charged under the hourly charge rate, in addition to the normal haul rate.
- M. Placement of hazardous waste material, including tires, liquid waste (paint) and appliances, in a unit collected by franchisee is prohibited.

- N. All customers shall provide a space, regardless of type of unit that is adequate for the franchisee to safely collect the material. The space provided must comply with the City of Tualatin’s Development Code.
- O. Customers requesting the temporary use of a three-cubic-yard container will be charged ~~\$95.00~~ **\$98.00** for delivery, removal and disposal. Containers on-site for a period in excess of 72 hours shall be charged rent at a rate of ~~\$32.00~~ **\$33.00** per week or ~~\$74.00~~ **\$76.50** for an extra haul fee. (Container can only be on site for a maximum of two (2) weeks)!
- P. Enclosures where driver has to open gates and roll out containers will be charged ~~\$15.00~~ **\$15.50** per enclosure per month.
- Q. Medical waste restrictions. Placement of any medical waste, including syringes, IV tubing with needles attached, glass tubes, and slides, in a unit collected by franchisee is strictly prohibited. Allied Waste Services will provide *at-cost* sharps containers for medical waste disposal, (current cost is ~~\$15.00~~ **\$15.50** per container). Disposal of these containers must be brought directly to their facility for exchange/disposal.
- R. Franchisee will perform special pick-ups of irregular materials charging current disposal rates plus labor. These pick-ups will be performed @ Allied Waste’s discretion and schedule.

**Bulky Waste fees for pick-up and disposal**

Minimum Charge	<del>\$15</del> <b>\$20</b>	Go-Back Fee <u>Return</u> <u>Trip Fee</u>	<del>\$20</del> <b>\$25</b>
Full-size Couch/Futon	<del>\$25</del> <b>\$45</b>	Freezer	<del>\$45</del> <b>\$46.50</b>
Love Seat Couch/Futon	<del>\$20</del> <b>\$40</b>	Refrigerator	<del>\$40</del> <b>\$41.25</b>
Hide-a-bed Couch	<del>\$40</del> <b>\$42</b>	Washer	<del>\$25</del> <b>\$25.75</b>
Office/Kitchen Chair	<del>\$15</del> <b>\$15.50</b>	Dryer	<del>\$25</del> <b>\$25.75</b>
Reclining Chair	<del>\$20</del> <b>\$20.75</b>	Microwave	<del>\$15</del> <b>\$15.50</b>
Rocking Chair	<del>15</del> <b>\$15.50</b>	Stove	<del>\$25</del> <b>\$25.75</b>
Mattress/Box Spring-Twin	<del>\$15</del> <b>\$15.50</b>	Hot Water Heater/empty	<del>\$25-40</del> <b>\$28-43</b> (size)
Mattress/Box Spring-Queen	<del>\$30</del> <b>\$31</b>	Door	<del>\$25</del> <b>\$25.75</b>
Mattress/Box Spring-King	<del>\$35</del> <b>\$36</b>	Furnace	<del>\$25</del> <b>\$25.75</b>
Waterbed Bag	<del>\$15</del> <b>\$15.50</b>	Pallets	<del>\$10-</del> <b>\$10.25</b>
Dining Table	<del>\$30</del> <b>\$31</b>	Entertainment Center	<del>\$30-</del> <b>\$33-53</b> (size)
Coffee Table	<del>\$15</del> <b>\$15.50</b>	BBQ charcoal	<del>\$25</del> <b>\$25.75</b>

Picnic Table	\$25 <del>\$25.75</del>	BBQ Propane	\$25 <del>\$25.75</del>
Umbrella & base	\$20 <del>\$20.75</del>	Lawn Mower	\$20 <del>\$20.75</del>
Dresser	\$30 <del>\$31</del>	Tire without Rim	\$15 <del>\$15.50</del>
Crib	\$15 <del>\$15.50</del>	Tire with Rim	\$20 <del>\$20.75</del>
Mirror	\$15 <del>—</del> 30 <del>\$17-32</del> (size)	Satellite Dish	\$25 <del>\$25.75</del>
Sink	\$15 <del>\$15.50</del>	Window	\$15 <del>\$15.50</del>
Cabinets	\$20 <del>\$20.75</del>	Toilet	\$20 <del>\$20.75</del>
Bathtub	\$40 <del>\$41.25</del>	<b>E - WASTE REMOVAL</b>	<b>CHARGE:</b>
Bicycle	\$10 <del>\$10.50</del>	PC, Monitor or Laptop	\$15 <del>\$15.50</del>
Treadmill	\$25 <del>\$25.75</del>	TV Under 25"	\$15 <del>\$15.50</del>
Hot Tub Cover	\$30- <del>\$50</del> <del>\$33.53</del> (size)	TV Over 25"	\$30 <del>\$31</del>
Dishwasher	\$20 <del>\$20.75</del>	TV Console	\$40 <del>\$41.25</del>
Rug	\$15 <del>\$15.50</del>	TV Projection	\$40 <del>\$41.25</del>
Basketball Hoop	\$40 <del>\$41.25</del>	Copiers (e-waste)	\$40 <del>\$41.25</del>

VII. ANNUAL REPORT FILING SCHEDULE FOR FRANCHISEES:

On or before March 15, franchisees shall file an annual report with the City for the year ending the previous December 31.



May 10, 2013

Sherilyn Lombos  
City Manager  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092

Dear Sherilyn:

RE: Price Increase

Republic Services, Inc. is requesting a 3.1% aggregate rate adjustment effective July 1, 2013. The proposed revenue increase is needed to continue providing the quality services specified per our franchise agreement with the City of Tualatin. The city last approved an aggregate rate adjustment of 5.9%, effective June 1, 2011.

The effect of the requested price increase for 59% of our residential customers, who use 35-gallon carts, would be \$0.71 per month.

It has been two years since our last price increase. During that time a number of factors have negatively impacted our rate of return. Our company has very little, if any, ability to control these increases in cost.

- Inflation has increased 4.75%.
- Fuel costs have increased 32%.
- Disposal costs have increased 9.3%. This cost alone represents 45% of our operating expense.
- Retired 3 collection vehicles, replacing 2 of these vehicles at a total cost of \$450,000. The cost range for 1 collection vehicle is \$225,000 - \$278,000 depending on the type of collection performed.
- Retired and replaced 1,800 collection carts, 100 commercial containers and 8 industrial drop boxes at a total cost of \$192,572.
- Decline in recycling commodity revenues.

As a result, our company has taken the following steps to absorb the increase in operating costs without reducing our standard of services that the community expects.

- Redesigned collection routes to maximize operational efficiencies. This change enabled our company to remove the equivalent of one collection route. The elimination of one route reduces fuel consumption and wear-and-tear on city streets.
- Reduced labor costs through a combination of staff reductions and reasonable increases in payroll. Labor costs actually decreased by 1.75% during this period.
- Depreciation expense reduced as a result of 2 collection vehicles, 1,800 carts, 100 containers and 8 drop boxes becoming fully depreciated.

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10295 SW Ridder Road  
Wilsonville, OR 97070  
503-570-0626 • Fax 503-570-0523  
republicservices.com



Our company has 21 full-time employees dedicated to serve our residential, commercial and industrial customers in the City of Tualatin. These employees consist of managers, collection vehicle drivers, mechanics, customer service representatives, and a recycling outreach and education coordinator. This employee count does not include our general and administrative employees, such as accounting, customer billing, purchasing, etc., who provide support services for this operation.

In addition, we have 14 collection vehicles assigned to serve our residential, commercial and industrial customers in the City of Tualatin. The replacement value of this fleet is \$3.1 million. We anticipate replacing two of these vehicles over the next 12-18 months since these vehicles have been fully depreciated under an established 7 year depreciation schedule. As stated above, the cost range for 1 collection vehicle is \$225,000 - \$278,000, depending on the type of collection performed.

Please recall that in December, 2012, we notified the city that United Disposal, Inc. and Keller Drop Box, Inc., DBA Allied Waste Services of Clackamas and Washington Counties, would be changing its DBA designation to Republic Services of Clackamas and Washington Counties. We request the DBA designation be changed in our franchise from Allied Waste Services of Clackamas and Washington Counties to Republic Services of Clackamas and Washington Counties.

It is our sincere pleasure to be a partner to the Tualatin community. We genuinely appreciate the relationship and the opportunity to be your environmental steward.

Respectfully,

Derek Ruckman  
General Manager

cc: Steve Brum, Controller  
Frank Lonergan, Operations Manager  
Ray Phelps, Regulatory Affairs Manager

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# **REPUBLIC SERVICES**

*Republic Services of Clackamas & Washington Counties*

*City of Tualatin 2013 Rate Proposal*

*Proposed rates, effective 7/1/13*





Republic Services of Clackamas & Washington Counties  
 City of Tualatin  
 Proforma Statement of Income  
 2010 through 2012 actuals and projected 2013

	2010	% of Revenue	2011	% of Revenue	2012	% of Revenue	2013 Projected No Rate Change	% of Revenue	2013 Projected With Rate Proposal	% of Revenue	12 month Annualized with Proposed Rate Change	% of Revenue
Revenue	6,039,108		6,177,508		6,304,757		6,304,757		6,400,609	1.5%	6,496,460	3.0%
Cost of Operations	4,867,488	80.6%	4,731,327	76.6%	5,096,754	80.8%	5,104,844	81.0%	5,109,637	79.8%	5,114,430	78.7%
Gross Profit	1,171,620		1,446,181		1,208,003	19.2%	1,199,913	19.0%	1,290,972	20.2%	1,382,031	21.3%
Salaries, General and Administrative	753,568	12.5%	773,516	12.5%	789,983	12.5%	801,833	12.7%	801,833	12.5%	801,833	12.3%
Operating Income	418,052	6.9%	672,665	10.9%	418,020	6.6%	398,080	6.3%	489,139	7.6%	580,198	8.9%



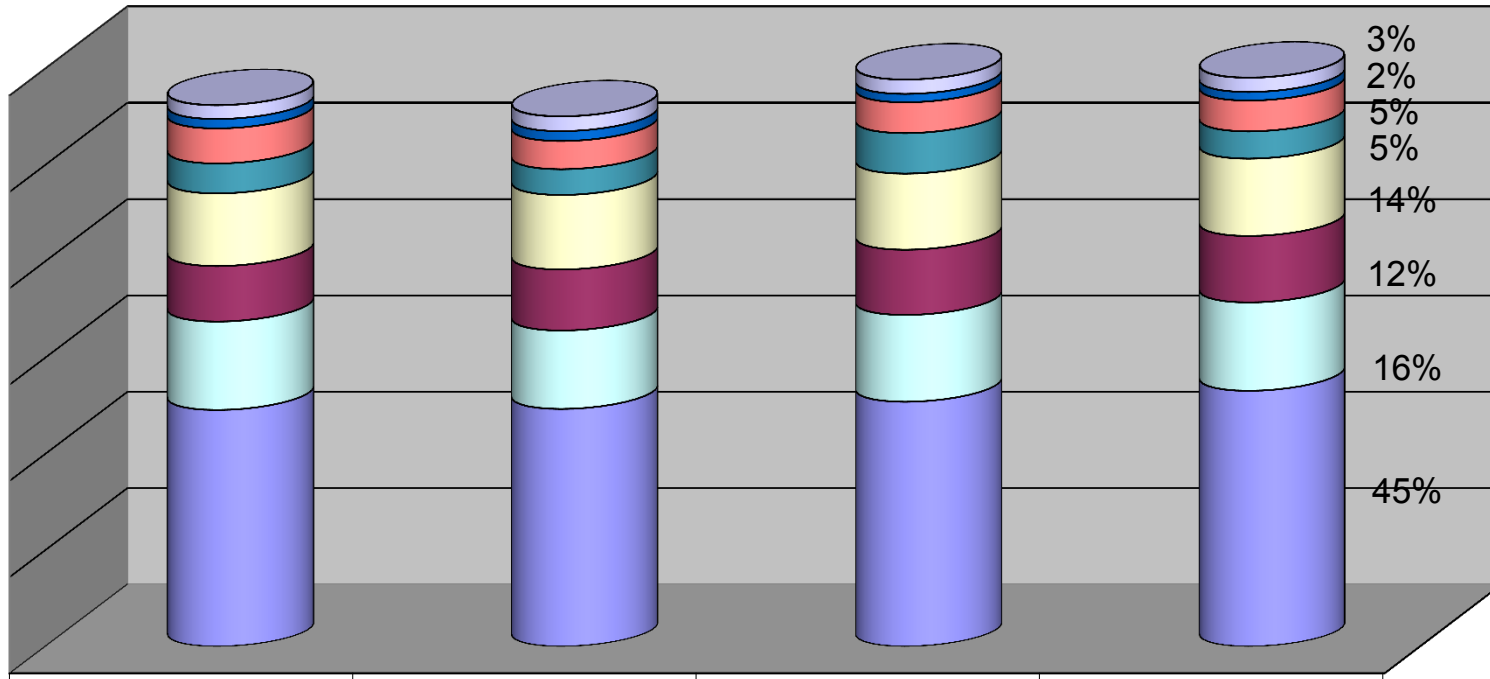
Republic Services of Clackamas & Washington Counties  
 City of Tualatin  
 Proforma Schedule of Direct Expenses  
 2010 through 2012 actuals and projected 2013

	2010	2011	% Change	2012	% Change	2013 Projected No P.I.	% Change	2013 Projected With Rate Proposal	% Change
<b>COST OF OPERATIONS</b>									
Labor	918,241	815,089	-12.7%	902,031	10.7%	917,907	1.8%	917,907	1.8%
Repairs and Maintenance	326,364	256,823	-27.1%	307,914	19.9%	313,764	1.9%	313,764	1.9%
Vehicle Operating Costs	227,362	300,084	24.2%	310,371	3.4%	316,268	1.9%	316,268	1.9%
Facility	97,413	102,653	5.1%	87,350	-14.9%	89,010	1.9%	89,010	1.9%
Insurance	311,189	267,028	-16.5%	419,794	57.2%	283,049	-32.6%	283,049	-32.6%
Disposal	2,458,554	2,469,000	0.4%	2,543,324	3.0%	2,657,774	4.5%	2,657,774	4.5%
Franchise Fees	143,130	152,687	6.3%	148,353	-2.8%	148,353	0.0%	153,146	3.2%
Other Operating Costs	21,630	75,674	71.4%	58,018	-23.3%	59,120	1.9%	59,120	1.9%
Depreciation	363,605	292,290	-24.4%	319,599	9.3%	319,599	0.0%	319,599	0.0%
<b>TOTAL COST OF OPERATIONS</b>	<b>4,867,488</b>	<b>4,731,327</b>	<b>-2.9%</b>	<b>5,096,754</b>	<b>7.7%</b>	<b>5,104,844</b>	<b>0.2%</b>	<b>5,109,637</b>	<b>0.3%</b>
<b>TOTAL SALARIES, GENERAL &amp; ADMINISTRATIVE</b>	<b>753,568</b>	<b>773,516</b>	<b>2.6%</b>	<b>789,983</b>	<b>2.1%</b>	<b>801,833</b>	<b>1.5%</b>	<b>801,833</b>	<b>1.5%</b>





### Republic Services - Tualatin 2010-2013 Cost Structure



■ Disposal ■ Labor ■ Fuel & Vehicle ■ Admin Expenses ■ Insurance ■ Depreciation ■ Facility Expenses ■ Franchise Fees



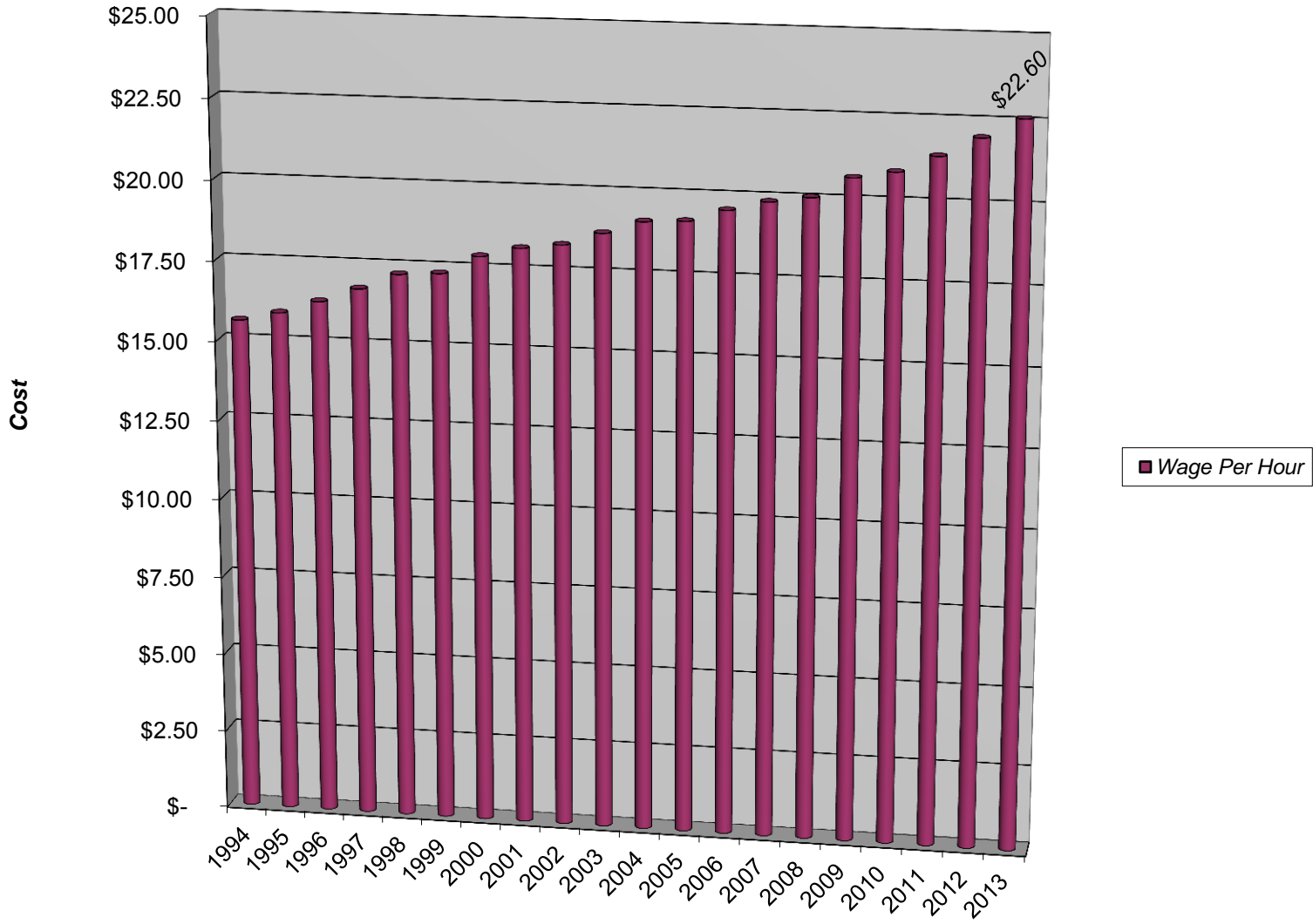
What does \$1 of garbage service pay for?

<b>\$1 paid toward your monthly service</b>	<b>\$</b>	<b>1.00</b>
<i>Disposal</i>		0.40
<i>Labor</i>		0.14
<i>Repairs &amp; Maintenance</i>		0.05
<i>Fuel</i>		0.05
<i>Insurance</i>		0.07
<i>Franchise Fees</i>		0.02
<i>Customer Service Costs</i>		0.13
<i>Truck &amp; Container Replacement</i>		0.05
<i>Facility Expenses</i>		0.01
<i>Miscellaneous</i>		0.01
<i>Income Taxes</i>		0.03
<b>Net Profit</b>	<b>\$</b>	<b><u>0.04</u></b>



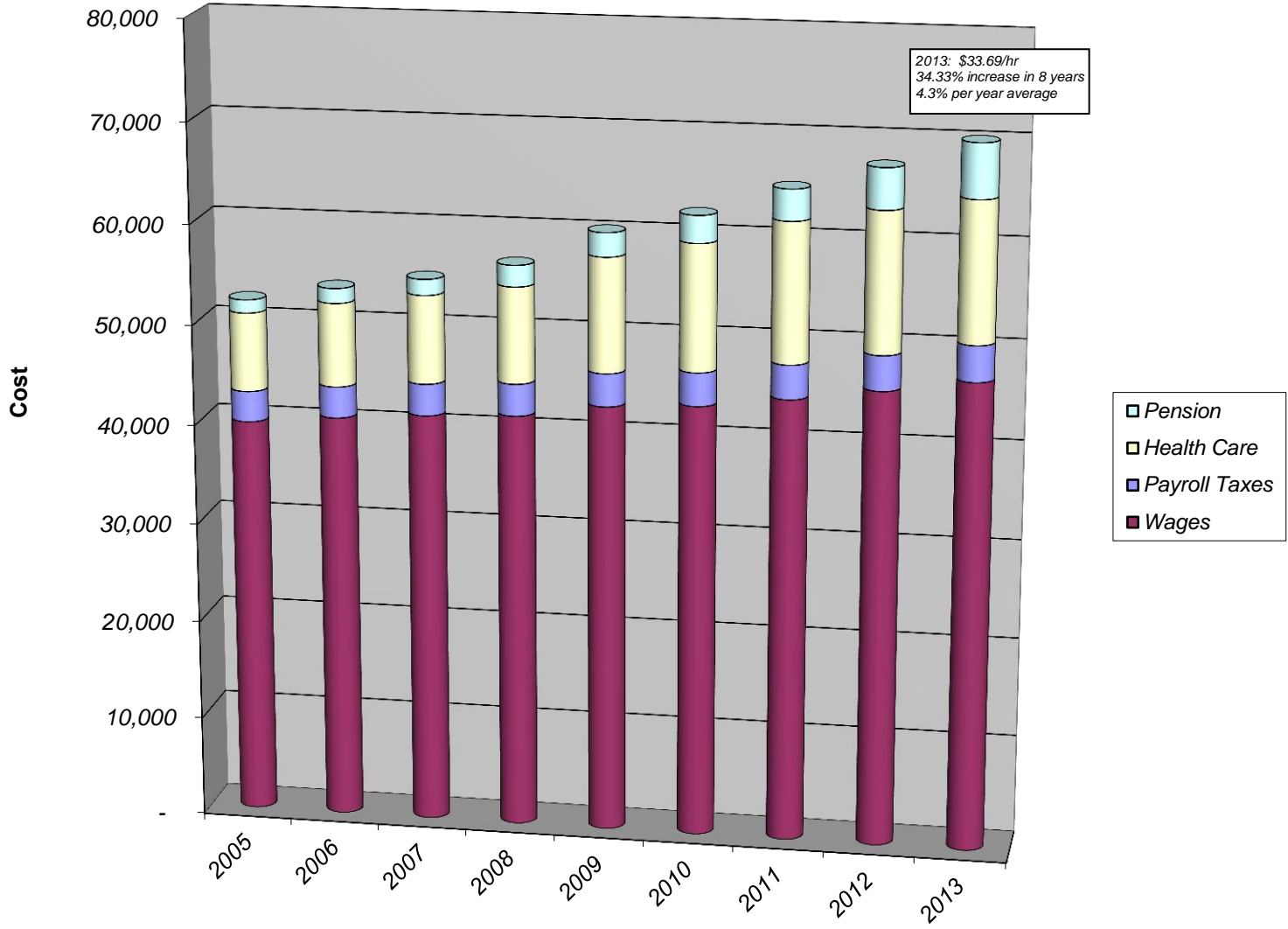


Driver Wage Per Hour (1994 - 2013)



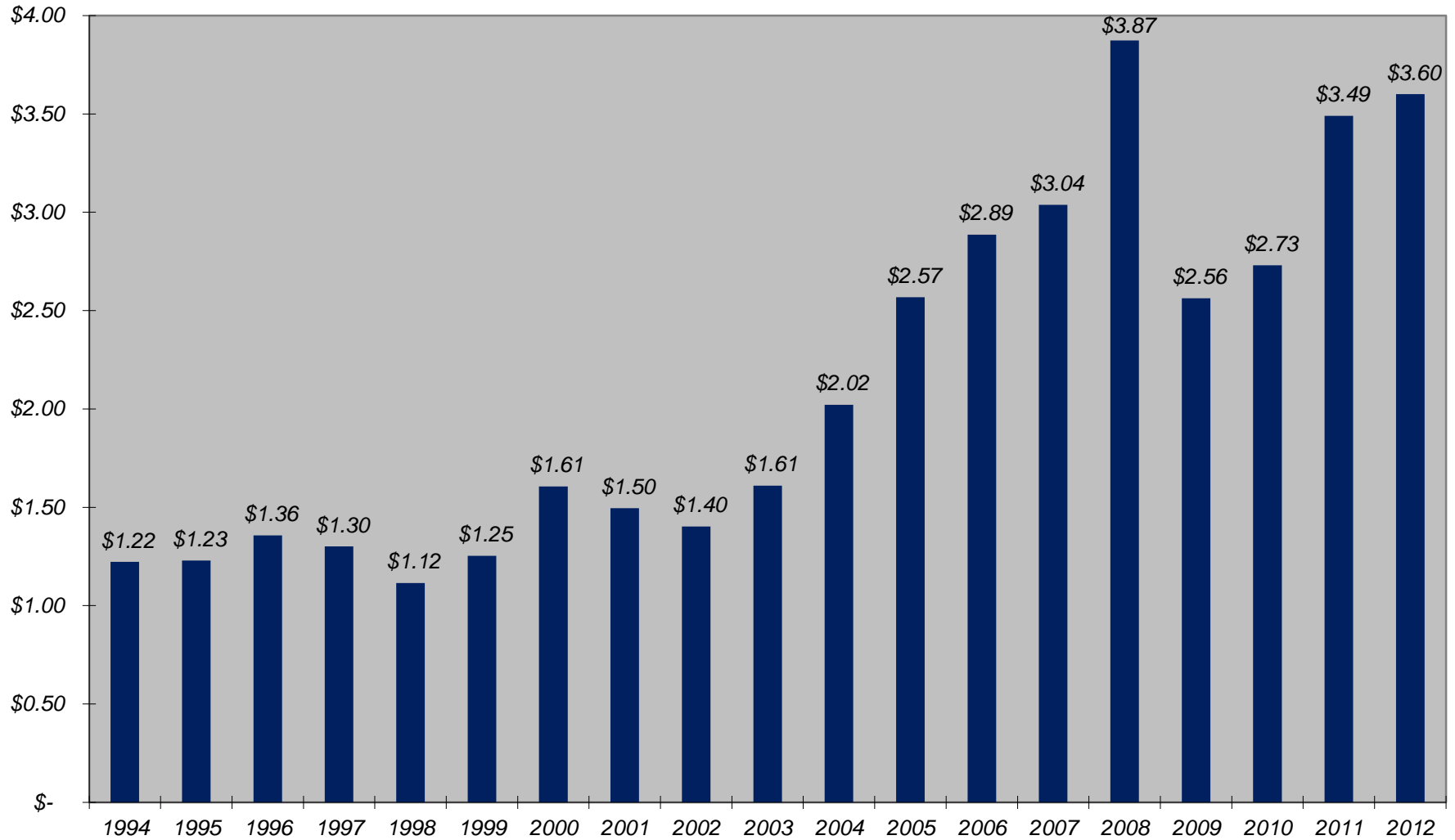


### Labor Costs Per Year (2005 - 2013)



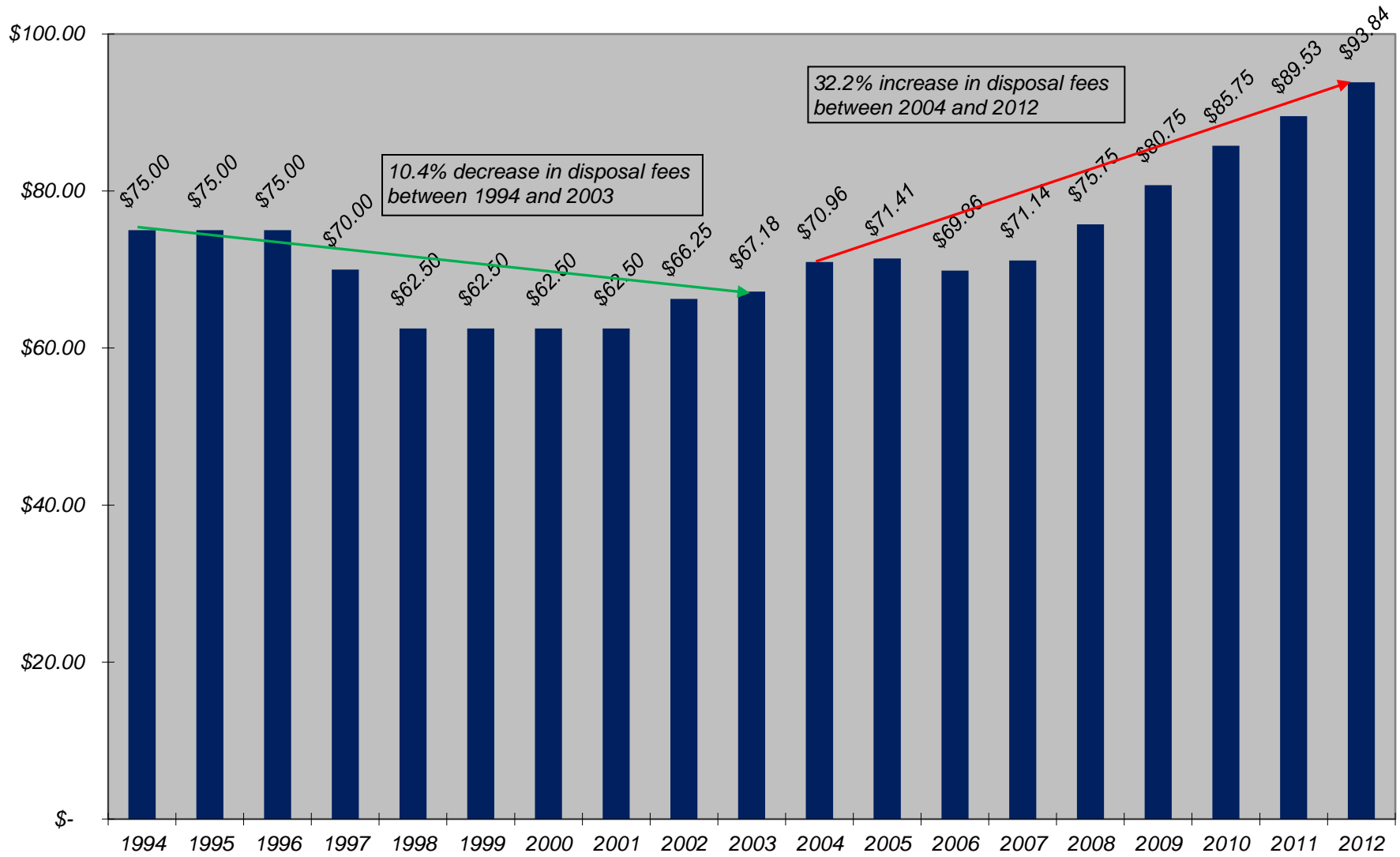


### Average Diesel Fuel Price Per Gallon 1994 - 2012

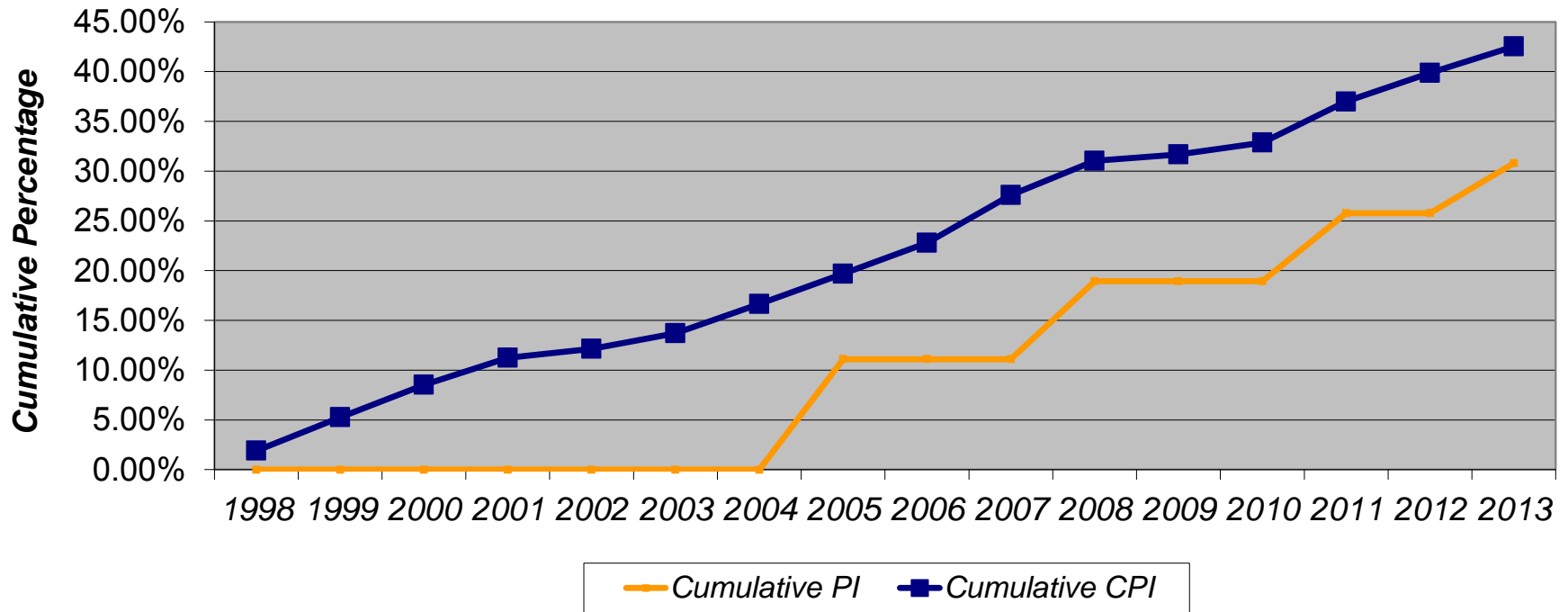




### Metro Region Disposal Fees Per Ton



### Cumulative Price Increases v. Inflation - 1998-2013(projected) Tualatin





## Republic Services - City of Tualatin

2013 Rate Proposal

**Proposed rates, effective 7/1/13**

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	<b>Quantity</b>	<b>Current</b>	<b>Proposed</b>	<b>% Change</b>	<b>\$ Change</b>
<b>Residential Cart Rates</b>					
20 gallon	512	\$ 20.05	\$ 20.65	3.0%	\$ 0.60
35 gallon	3,306	\$ 23.50	\$ 24.21	3.0%	\$ 0.71
65 gallon	1,753	\$ 31.00	\$ 31.93	3.0%	\$ 0.93
<b>Commercial Rates</b>					
35 gallon	184	\$ 17.65	\$ 18.18	3.0%	\$ 0.53
65 gallon	136	\$ 24.00	\$ 24.72	3.0%	\$ 0.72
90 gallon	132	\$ 30.10	\$ 31.00	3.0%	\$ 0.90
1.5 yard	47	\$ 108.85	\$ 112.12	3.0%	\$ 3.27
2 yard	118	\$ 144.30	\$ 148.63	3.0%	\$ 4.33
3 yard	108	\$ 200.40	\$ 206.41	3.0%	\$ 6.01
4 yard	94	\$ 254.55	\$ 262.19	3.0%	\$ 7.64
6 yard	72	\$ 359.40	\$ 370.18	3.0%	\$ 10.78
8 yard	53	\$ 451.75	\$ 465.30	3.0%	\$ 13.55
<b>Industrial Rates</b>					
10 yard	314	\$ 89.05	\$ 92.17	3.5%	\$ 3.12
20 yard	2,039	\$ 105.00	\$ 108.68	3.5%	\$ 3.68
30 yard	1,194	\$ 120.90	\$ 125.13	3.5%	\$ 4.23
40 yard	1,119	\$ 134.70	\$ 139.41	3.5%	\$ 4.71

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**Republic Services - City of Tualatin**  
 2013 Rate Proposal  
 Proposed rates, effective 7/1/13

	<b>Current</b>	<b>Proposed</b>	<b>Wilsonville</b>	<b>Clackamas</b>	<b>Oregon City</b>	<b>Tigard</b>	<b>Lake Oswego</b>	<b>Portland</b>
<b>Service Level</b>								
Garbage	Weekly	Weekly	Weekly	Weekly	Weekly	Weekly	Weekly	Bi-Weekly
Recycling	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly
Yard Debris	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	65g Weekly	95g Weekly
Franchise Fee	5%	5%	3%	5%	5%	5%	5%	3%
<b>Residential Cart Rates</b>								
20 gallon	\$ 20.05	\$ 20.65	\$ 21.00	\$ 24.90	\$ 20.63	\$ 17.80	\$ 18.08	\$ 30.00
35 gallon	\$ 23.50	\$ 24.21	\$ 23.60	\$ 28.65	\$ 25.83	\$ 20.60	\$ 23.92	\$ 33.90
65 gallon	\$ 31.00	\$ 31.93	\$ 31.10	\$ 37.80	\$ 35.55	\$ 31.75	\$ 38.16	\$ 42.00
<b>Commercial Rates</b>								
35 gallon	\$ 17.65	\$ 18.18	\$ 15.55	\$ 24.70	\$ 25.83	\$ 20.60	\$ 21.32	
65 gallon	\$ 24.00	\$ 24.72	\$ 24.70	\$ 35.75	\$ 35.55	\$ 31.75	\$ 35.56	
90 gallon	\$ 30.10	\$ 31.00	\$ 31.10	\$ 35.35	\$ 38.55	\$ 38.35	\$ 37.64	
1.5 yard	\$ 108.85	\$ 112.12	\$ 116.35	\$ 120.49	\$ 153.03	\$ 119.62	\$ 144.49	
2 yard	\$ 144.30	\$ 148.63	\$ 152.20	\$ 151.99	\$ 203.55	\$ 143.17	\$ 180.56	
3 yard	\$ 200.40	\$ 206.41	\$ 221.20	\$ 204.97	\$ 279.12	\$ 190.13	\$ 238.59	
4 yard	\$ 254.55	\$ 262.19	\$ 288.15	\$ 260.13	\$ 365.04	\$ 237.10	\$ 299.69	
6 yard	\$ 359.40	\$ 370.18	\$ 424.40	\$ 358.69	\$ 536.80	\$ 330.85	\$ 405.37	
8 yard	\$ 451.75	\$ 465.30	\$ 562.75	\$ 417.46	\$ 686.21	\$ 425.65	\$ 484.71	
<b>Industrial Rates</b>								
10 yard	\$ 89.05	\$ 92.17	\$ 98.50	\$ 113.00	\$ 133.10	\$ 109.00	\$ 102.54	
20 yard	\$ 105.00	\$ 108.68	\$ 98.50	\$ 113.00	\$ 151.20	\$ 109.00	\$ 102.54	
30 yard	\$ 120.90	\$ 125.13	\$ 139.00	\$ 130.00	\$ 188.80	\$ 109.00	\$ 124.89	
40 yard	\$ 134.70	\$ 139.41	\$ 160.25	\$ 147.00	\$ 228.80	\$ 109.00	\$ 144.31	



# REPUBLIC SERVICES

## TUALATIN PROPOSED RATE INCREASE 7/1/2013

### Residential

All Proposed Rate Changes Are Noted In Red

#### Residential (once per week service)

	Current	Proposed
20 gallon	\$20.05 per month	\$ 20.65
32 gallon	\$23.50 per month	\$ 24.21
60 gallon	\$31.00 Per month	\$ 31.93

Please Note:

There is a \$25 Service interrupt fee for invoices 60-days outstanding  
A late fee of 1.5% will be applied to all past due amounts

#### Limited Services

	Current	Proposed	Temp 3 Yards (City Rates ) <i>Maximum of 4 days</i>	Current	Proposed
On Call	\$9.45 Per Month	\$ 9.75	Delivery & Removal	\$ 95.00	\$ 98.00
Recycling Only	\$6.25 per month	\$ 6.50	Extra Dump	\$ 74.00	\$ 76.50
Yard Debris Only	\$6.25 per month	\$ 6.50	Extra Week	\$ 32.00 *	\$ 33.00
Both Recycling and Yard Debris	\$12.00 per Month	\$ 12.35			

\*period greater than 72 hours, but less than 2 weeks

#### Additional / Extra Services

	Current	Proposed
Lost or Damaged Garbage Carts	\$ 60.00	\$ 62.00
Lost or Damaged Yard Debris Cart	\$ 63.00	\$ 65.00
Lost or Damaged Recycling Cart	\$ 63.00	\$ 65.00
Lost or Damaged Recycling Bins	\$ 10.00	\$ 10.50
Return Trip Fee Outside of Normally Scheduled Routes	\$ 20.00	\$ 20.75
All occasional Extras (box/bag/can)	\$ 5.00	\$ 5.15
Over-full Can Charge	\$ 5.00	\$ 5.15
Yard Debris contaminated with Garbage	\$ 6.00	\$ 6.15
Gate Opening / Roll out Container (monthly)	\$ 15.00	\$ 15.50
Special Container (Medical Waste)	\$15.00 per container	\$ 15.50



**TUALATIN PROPOSED RATE INCREASE 7/1/2013**  
**Commercial**

**All Proposed Rate Changes Are Noted In Red**

**Commercial Services**

Size	Stops Per Week							
	1 (current)	Proposed	2 (current)	Proposed	3 (current)	Proposed	4 (current)	Proposed
1 Yard	\$77.85	\$80.19	\$148.75	\$153.21	\$217.75	\$224.28	N/A	N/A
1.5 Yard	\$108.85	\$112.12	\$213.55	\$219.96	\$312.25	\$321.62	\$406.55	\$418.75
2 Yard	\$144.30	\$148.63	\$280.25	\$288.66	\$409.00	\$421.27	\$531.10	\$547.03
3 Yard	\$200.40	\$206.41	\$387.90	\$399.54	\$564.60	\$581.54	\$728.05	\$749.89
4 Yard	\$254.55	\$262.19	\$492.65	\$507.43	\$729.10	\$750.97	\$952.25	\$980.82
5 Yard	\$311.20	\$320.54	\$611.45	\$629.79	\$893.20	\$920.00	\$1,176.05	\$1,211.33
6 Yard	\$359.40	\$370.18	\$705.85	\$727.03	\$1,046.75	\$1,078.15	\$1,358.85	\$1,399.62
8 Yard	\$451.75	\$465.30	\$886.25	\$912.84	\$1,310.55	\$1,349.87	\$1,742.80	\$1,795.08

Size	Stops Per Week					
	5 (current)	Proposed	6 (current)	Proposed	7 (current)	Proposed
1 Yard	N/A	N/A	N/A	N/A	N/A	N/A
1.3 Yard	N/A	N/A	N/A	N/A	N/A	N/A
1.5 Yard	\$498.15	\$513.10	N/A	N/A	N/A	N/A
2 Yard	\$651.80	\$671.35	\$782.15	\$805.61	\$912.45	\$939.82
3 Yard	\$900.80	\$927.82	\$1,094.40	\$1,127.23	\$1,261.10	\$1,298.93
4 Yard	\$1,168.15	\$1,203.19	\$1,401.75	\$1,443.81	\$1,635.40	\$1,684.46
5 Yard	\$1,443.10	\$1,486.39	\$1,731.70	\$1,783.65	\$2,020.35	\$2,080.96
6 Yard	\$1,705.00	\$1,756.15	\$2,017.10	\$2,077.61	\$2,353.80	\$2,424.41
8 Yard	\$2,016.25	\$2,076.74	\$2,325.90	\$2,395.68	\$2,822.75	\$2,907.43

Container compactor rate is 2.2 times the regular Rate

Commercial extra container dumps(return trips) are charged at 33% of the monthly rate

Extra material beyond the capacity of the container is charged at \$25 per yard

Commercial Rates / Multi-Family Rates	Current	Proposed
32 gallon	\$17.65 per month	\$ 18.18
60 gallon	\$24.00 per month	\$ 24.72
90 gallon	\$30.10 per month	\$ 31.00

Recycling Rates for Multi-Family Sites With Compactors or Train Systems	Current Monthly Charge	Proposed Monthly Charge
Number of Units		
10-99	\$120.00 (minimum per month)	\$ 123.60 (minimum per month)
100-199	\$2.05 per unit	\$ 2.11 per unit
200-299	\$1.60 per unit	\$ 1.65 per unit
300-399	\$1.45 per unit	\$ 1.49 per unit
400+	\$1.40 per unit	\$ 1.44 per unit

Note: Customer will provide and maintain enclosure/shelter. Republic Services provides containers. Enclosure/shelter is defined as a City/Hauler approved system to collect material. Material to be collected must be approved by Republic Services. Additional carts shall be at 100% of the first cart rate multiplied by the stops per week. An occasional extra 35-gallon can for a regular customer shall be \$5.15 each occurrence

**Additional Recycling Services - Drop Box and Commercial Customers**

Size	Current Monthly Charge	Proposed Monthly Charge
60-Gallon	\$14.00 per cart (includes pick-up)	\$14.45 per cart (includes pick-up)
90-Gallon	\$17.00 per cart (includes pick-up)	\$17.50 per cart (includes pick-up)
Metal tote	\$22.00 monthly rent, plus hourly rate	\$22.65 monthly rent, plus hourly rate
Cardboard Container	\$22.00 per month for customers that have less than 4 cubic yards of flattened cardboard per month.	\$22.65 per month for customers that have less than 4 cubic yards of flattened cardboard per month.

Miscellaneous Service Rates and Conditions	Proposed
Hourly Hauling Rates	
1 Truck + 1 Driver	\$ 95.00
1 Truck + 1 Driver + 1 Helper	\$ 120.00



# REPUBLIC SERVICES

## TUALATIN PROPOSED RATE INCREASE 7/1/2013

### Industrial

All Proposed Rate Changes Are Noted In Red

<u>Drop Box / Compactor Rates</u>	Current Delivery	Proposed	Current Haul	Proposed
10-20 yard	\$33.00	\$35.00	\$89.05	\$92.17
21-29 yard	\$33.00	\$35.00	\$105.00	\$108.68
30 yard	\$33.00	\$35.00	\$120.90	\$125.13
40 yard	\$33.00	\$35.00	\$134.70	\$139.41
10-20 yard compactor (minimum charge for 15 yds or less)	N/A		\$131.85	\$136.46
21-29 yard compactor	N/A		\$137.10	\$141.90
30-39 yard compactor	N/A		\$176.50	\$182.68
40+ yard compactor	N/A		\$205.05	\$212.23

<u>Additional Drop Box Services</u>	Current	Proposed
Fee for less than 1 haul per month	\$15.00	\$16.00
Round-tripped box (per haul)	\$25.00	\$26.00
Custom or lidded boxes (per haul)	\$5.00	\$6.00

Note: Drop box rates shall be the standard rates above plus 103% of disposal fees. The disposal fee includes landfill or transfer center fee, disposal franchise fee and Metro user or service fees.

<u>Rental Fee after 48 Hours</u>	Current		Proposed	
Box Size	Loose (per day)	Loose (per day)	Per Month	Per Month
10-yard	\$6.50	\$6.75	\$72.00	\$75.00
20-yard	\$6.50	\$6.75	\$72.00	\$75.00
30-yard	\$7.00	\$7.25	\$77.00	\$80.00
40-yard	\$7.50	\$7.75	\$83.00	\$85.00

Rent charged will be the lesser of the daily or monthly rent total



**TUALATIN PROPOSED RATE INCREASE 7/1/2013  
Bulky Items**

**All Proposed Rate Changes Are Noted In Red**

Current Bulky Waste fees for pick-up and disposal			
Minimum Charge	\$ 15.00	Return Trip Fee	\$ 20.00
Full-size Couch/Futon	\$ 25.00	Freezer	\$ 45.00
Love Seat Couch/Futon	\$ 20.00	Refrigerator	\$ 40.00
Hide-a-bed Couch	\$ 40.00	Washer	\$ 25.00
Office/Kitchen Chair	\$ 15.00	Dryer	\$ 25.00
Reclining Chair	\$ 20.00	Microwave	\$ 15.00
Rocking Chair	\$ 15.00	Stove	\$ 25.00
Mattress/Box Spring-Twin	\$ 15.00	Hot Water Heater (empty)	\$25-40
Mattress/Box Spring-Queen	\$ 30.00	Door	\$ 25.00
Mattress/Box Spring-King	\$ 35.00	Furnace	\$ 25.00
Waterbed Bag	\$ 15.00	Pallets	\$ 10.00
Dining Table	\$ 30.00	Entertainment Center	\$30-50
Coffee Table	\$ 15.00	BBQ charcoal	\$ 25.00
Picnic Table	\$ 25.00	BBQ Propane	\$ 25.00
Umbrella & Base	\$ 20.00	Lawn Mower	\$ 20.00
Dresser	\$ 30.00	Tire without Rim	\$ 15.00
Crib	\$ 15.00	Tire with Rim	\$ 20.00
Mirror	\$15-30	Satellite Dish	\$ 25.00
Sink	\$ 15.00	Window	\$ 15.00
Cabinets	\$ 20.00	Toilet	\$ 20.00
Bathtub	\$ 40.00	<b>E-waste Removal Charge</b>	
Bicycle	\$ 10.00	PC, Monitor or Laptop	\$ 15.00
Treadmill	\$ 25.00	TV Under 25"	\$ 15.00
Hot Tub Cover	\$30-50	TV Over 25"	\$ 30.00
Dishwasher	\$ 20.00	TV Console	\$ 40.00
Rug	\$ 15.00	TV Projection	\$ 40.00
Basketball Hoop	\$ 40.00	Copiers (e-waste)	\$ 40.00

Proposed Bulky Waste fees for pick-up and disposal			
Minimum Charge	\$ 15.50	Return Trip Fee	\$ 25.00
Full-size Couch/Futon	\$ 25.75	Freezer	\$ 46.50
Love Seat Couch/Futon	\$ 20.50	Refrigerator	\$ 41.25
Hide-a-bed Couch	\$ 42.00	Washer	\$ 25.75
Office/Kitchen Chair	\$ 15.50	Dryer	\$ 25.75
Reclining Chair	\$ 20.75	Microwave	\$ 15.50
Rocking Chair	\$ 15.50	Stove	\$ 25.75
Mattress/Box Spring-Twin	\$ 15.50	Hot Water Heater (empty)	\$28-\$43
Mattress/Box Spring-Queen	\$ 31.00	Door	\$ 25.75
Mattress/Box Spring-King	\$ 36.00	Furnace	\$ 25.75
Waterbed Bag	\$ 15.50	Pallets	\$ 10.25
Dining Table	\$ 31.00	Entertainment Center	\$33-\$53
Coffee Table	\$ 15.50	BBQ charcoal	\$ 25.75
Picnic Table	\$ 25.75	BBQ Propane	\$ 25.75
Umbrella & Base	\$ 20.75	Lawn Mower	\$ 20.75
Dresser	\$ 31.00	Tire without Rim	\$ 15.50
Crib	\$ 15.50	Tire with Rim	\$ 20.75
Mirror	\$17-\$32	Satellite Dish	\$ 25.75
Sink	\$ 15.50	Window	\$ 15.50
Cabinets	\$ 20.75	Toilet	\$ 20.75
Bathtub	\$ 41.25	<b>E-waste Removal Charge</b>	
Bicycle	\$ 10.50	PC, Monitor or Laptop	\$ 15.50
Treadmill	\$ 25.75	TV Under 25"	\$ 15.50
Hot Tub Cover	\$33-\$53	TV Over 25"	\$ 31.00
Dishwasher	\$ 20.75	TV Console	\$ 41.25
Rug	\$ 15.50	TV Projection	\$ 41.25
Basketball Hoop	\$ 41.25	Copiers (e-waste)	\$ 41.25

# SOLID WASTE & RECYCLING RATE INCREASE PROPOSAL

July 22, 2013

# Partnering Between City of Tualatin and Republic Services

- Republic provides residents two bulky waste events annually at no cost to the City.
- During these events, residents have disposed of over 650 tons of debris!
- Services for City facilities; Juanita Pohl Center, Lafky House, Community Park, Community Services .





# Republic Services Rate Proposal

- Last rate adjustment was in 2011.
  
- Adjustment needed due to:
  - ▣ Inflation has increased 4.75%
  - ▣ Fuel costs have increased 32%
  - ▣ Disposal costs increased 9.3%
  - ▣ Vehicle and equipment replacement needed.
  - ▣ Decline in recycling commodities.





# Republic Services Rate Proposal

	Residential Cart Rates			
Residential Cart Rates		Current	Proposed	\$ Change
	20 gallon	20.05	20.65	0.60
	35 gallon	23.50	24.21	0.71
	65 gallon	31.00	31.93	0.93
Commercial Rates	35 gallon	17.65	18.18	0.53
	65 gallon	24.00	24.72	0.72
	90 gallon	30.10	31.00	0.90
	2 yard	144.30	148.63	4.33
	3 yard	200.40	206.41	6.01
	6 yard	359.40	370.18	10.78
Industrial Rates	10 yard	89.05	92.17	3.12
	20 yard	89.05	92.17	3.12
	30 yard	120.90	125.13	4.23
	40 yard	134.70	139.41	4.71



# Republic Rate Comparison

- Republic Services has presented a 3.1% aggregate rate adjustment, effective July 1, 2013.

## Residential Cart Rate Comparison

Service Level	Tualatin Current	Tualatin Proposed	Wilsonville	Clackamas	Oregon City	Tigard	Lake Oswego	Portland
20 Gal	<b>20.05</b>	<b>20.65</b>	21.00	24.90	20.63	17.80	18.08	30.00
35 Gal	<b>23.50</b>	<b>24.21</b>	23.60	28.65	25.83	20.60	23.92	33.90
65 Gal	<b>31.00</b>	<b>31.93</b>	31.10	37.80	35.55	31.75	38.16	42.00



# Where does your dollar go?

\$1 paid toward your monthly service	\$1
Disposal	0.40
Labor	0.14
Repairs & Maintenance	0.05
Fuel	0.05
Insurance	0.07
Franchise Fees	0.02
Customer Service Costs	0.13
Truck and Container Replacement	0.05
Facility Expenses	0.01
Income Taxes	0.03
<b>Net Profit</b>	<b>0.04</b>