



TUALATIN CITY COUNCIL

Monday, May 13, 2013

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

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

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, 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. Council meetings can also be viewed by live *streaming video* on the day of the meeting at 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 provided 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 MAY 13, 2013

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Youth Advisory Council Update for May, 2013
2. Announcement of the 2013 "If I Were Mayor..." Poster and Essay Contest Winners.
3. Proclamation Declaring Saturday May 18, 2013 as National Kids to Parks Day in Tualatin
4. Proclamation Declaring May as Older Americans Month in Tualatin
5. Proclamation Declaring May 12 - 18, 2013 as National Police Week
6. Proclamation Declaring May 19-25, 2013 as Emergency Medical Services (EMS) Week

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 April 22, 2013 and the Special Work Session on April 23, 2013
2. Consideration of Resolution No 5142-13 Awarding the Bid for the 2013 Pavement Maintenance Program
3. Consideration of an Intergovernmental Agreement (IGA) with Washington County for a Landscaped Median in SW Lower Boones Ferry Road at the Bridgeport Apartments

4. Consideration of an Intergovernmental Agreement (IGA) with Tualatin Valley Water District and the City of Portland for Engineering Services to Evaluate an Emergency Intertie for the Water Systems
5. Consideration of Resolution No. 5139-13 Authorizing City Staff to Negotiate to Acquire Easements for the SW Martinazzi Avenue Project
6. Consideration of Appointment of Brian Starns as Municipal Judge Pro Tem.

E. SPECIAL REPORTS

1. Tualatin Valley Fire and Rescue Report Presented By Chief Mike Duyck
2. Quarterly Financial Update

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of Resolution No. 5138-13 a Conditional Use Permit for Tualatin Animal Clinic to Allow a Veterinary Clinic with Practice Limited to Small Animals in the Central Commercial (CC) Planning District at 8700 SW Cherokee Street (Tax Map 2S1 23AA, Tax Lot 01000) (CUP-13-02)

H. GENERAL BUSINESS

1. Consideration of Resolution No. 5140-13 to Grant a Conditional Use Permit to Allow a Small-Lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot13900) (CUP 13-01).

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: 05/13/2013

ANNOUNCEMENTS: Youth Advisory Council Update

ANNOUNCEMENTS

Youth Advisory Council Update for May, 2013

SUMMARY

n/a

Attachments

A. YAC Update, May 2013

Council Update May 13, 2013

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S

(Finding Relations in Every New Diverse Student)



Tualatin YAC – Youth Participating in Governance

Project F.R.I.E.N.D.S.



- April 29, 2013
- 225 students from Byrom and Tualatin Elementary Schools
- 3 anti-bullying lessons
- Washington County Commission on Children and Families

Tualatin YAC – Youth Participating in Governance

Project F.R.I.E.N.D.S. Included in National Publication!

NATIONAL LEAGUE of CITIES INSTITUTE FOR YOUTH, EDUCATION & FAMILIES

MUNICIPAL LEADERSHIP FOR CHILDREN AND FAMILIES IN SMALL AND MID-SIZED CITIES



Municipal Leadership for Children and Families in Small and Mid-Sized Cities

Sponsor a Youth-Led Bullying Prevention Program Tualatin, Oregon (population 26,054) – Project F.R.I.E.N.D.S.

In 2006, the City of Tualatin's 21-member Youth Advisory Council (YAC) developed a day-long bullying prevention workshop for fifth grade students called F.R.I.E.N.D.S. (Finding Relations In Every New Diverse Student). Since then, the YAC has offered the workshop on a biennial basis to help students address bullying and stereotyping behavior while also preparing them for the upcoming transition to middle school. During years when it is not sponsoring this workshop, the YAC has organized Project P.E.A.C.E. (Providing Each Adolescent with Courage and Empathy), a similar program for middle school students composed of 10 lesson plans taught by homeroom teachers that build conflict resolution skills and help students identify and respond to bullying.

To launch Project F.R.I.E.N.D.S., members of the YAC reached out to and garnered the support of principals of three public elementary schools in Tualatin and then began working with teachers to develop an introductory lesson plan for students. They conducted online research to craft the lesson plan and workshop, drawing upon materials from the Southern Poverty Law Center, the U.S. Department of Health and Human Services, and other national resources. After YAC members make a pre-workshop visit to each classroom, they hold the workshop itself off-site at a local church auditorium. More than 300 fifth grade students participate. While the church donates the space and the YAC recruits additional volunteers from the high school, other costs are covered by funds raised from the Washington County



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National League of Cities | Institute for Youth, Education and Families



Commission on Children and Families, a Target Youth Engagement grant and additional donations.

The YAC uses pre- and post-workshop surveys to evaluate the success of Project F.R.I.E.N.D.S. They look for changes in attitudes toward bullying and stereotyping and assess how comfortable participants are about getting to know students from diverse backgrounds. They have also reported increases in the proportion of participants who are confident they will make new friends in middle school (from six percent to 67 percent) and are excited about attending middle school (from 34 percent to 53 percent). Parents, teachers, and the local school district have strongly endorsed the program, manifesting their commitment by dedicating a full school day for the workshop.

Like all of the YAC's activities, the project would not be possible without the support of the mayor, city councilmembers, and the city manager, which creates a welcoming environment for youth that permeates local government in Tualatin. Mayor Lou Ogden created the YAC in 1999 after learning about the concept through the National League of Cities. The city supports the YAC with resources and dedicated staff time, enabling its participants to serve as liaisons between youth and city government, advocate for youth interests, and plan events and activities on issues of importance to youth. This support was strengthened at Mayor Ogden's request for the Tualatin City Council to pass a resolution adopting NLG's *City Platform for Strengthening Families and Improving Outcomes for Children and Youth*, which it did in May 2006.

The YAC has thrived with this support and it is not unusual for members of the YAC to volunteer 100 hours per year. Many of the youth participate throughout their high school years, taking advantage of this unique opportunity to develop skills in leadership, planning, organization and public speaking.

Contact:

Julie Lademann, Recreation Program Specialist
City of Tualatin
(503) 691-3082
jlademann@ci.tualatin.or.us

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<http://www.tualatinoregon.gov/recreation>

Tualatin YAC – Youth Participating in Governance

Movies on the Commons

- Free, family-friendly movies
- Saturdays in July & August
- YAC helps choose films, sells concessions
- As part of Tualatin's Centennial Celebration, we'll have pre-movie entertainment each week!



Tualatin YAC – Youth Participating in Governance

Additional YAC Activities

- Volunteering at Tualatin TRYathlon June 1
- Co-planning Teen Extravaganza with Teen Library Committee
- Planning a brand new TualaFest 2013



Tualatin YAC – Youth Participating in Governance

City Council Meeting

B. 2.

Meeting Date: 05/13/2013

ANNOUNCEMENTS: "If I Were Mayor..." Contest Winners

ANNOUNCEMENTS

Announcement of the 2013 "If I Were Mayor..." Poster and Essay Contest Winners.

SUMMARY

n/a

Attachments

A. "If I Where Mayor..." Contest

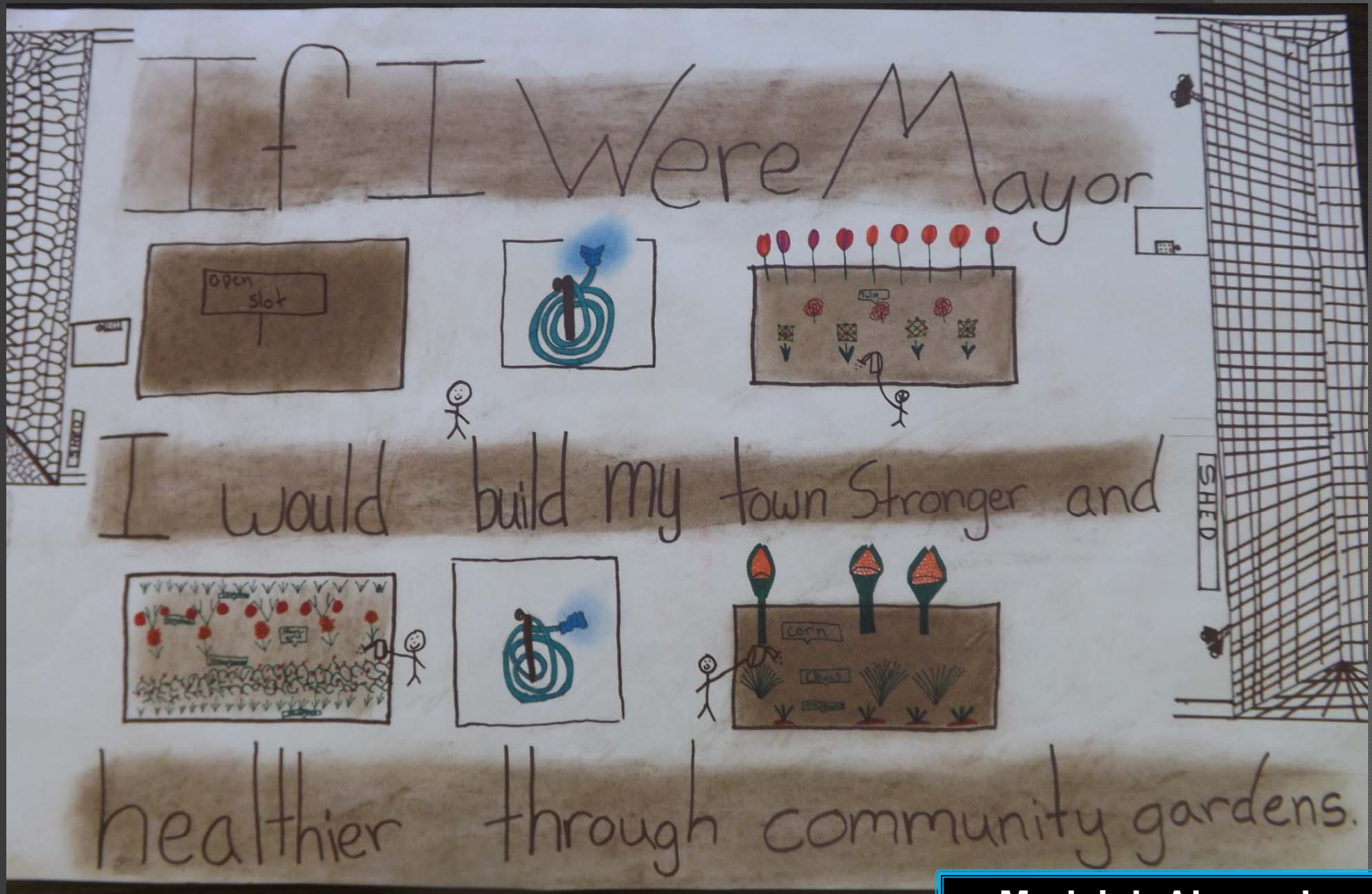
If I Were Mayor...

Sponsored by the City of Tualatin and the Oregon Mayors Association

- A unique opportunity to promote local government education in our community
- Oregon students were asked what they would do if they were Mayor



Grade 4-5 Poster Contest Winner



**Marleigh Alexander
(Byrom)**

Middle School Essay Winner

- “If I were mayor, I would create safe walking paths from residential areas to schools. I would have crossing guards out, making crosswalks safer. This would enable children to get exercise even on days they do not have physical education or sports.”

Claire Glasser -
homeschooled

Next Steps....

- Tualatin's winning entries are sent on for statewide competition and the chance to win a laptop computer
- Statewide winner announced in mid-June
- Last year, Tualatin's poster contest winner was selected as a statewide finalist!

If I Were Mayor...

Sponsored by the City of Tualatin and Oregon Mayors Association

Congratulations Marleigh and Claire!



City Council Meeting

B. 3.

Meeting Date: 05/13/2013

ANNOUNCEMENTS: Proclamation Declaring Saturday May 18, 2013 as National Kids to Parks Day in Tualatin

ANNOUNCEMENTS

Proclamation Declaring Saturday May 18, 2013 as National Kids to Parks Day in Tualatin

Attachments

Proclamation

Proclamation

PROCLAMATION DECLARING SATURDAY, MAY 18, 2013 AS NATIONAL KIDS TO PARKS DAY IN TUALATIN

WHEREAS National Kids to Parks Day is organized and launched by the National Park Trust and the Tualatin City Council has established goals relating to creating a livable, healthy and active community; and

WHEREAS National Kids to Parks Day encourages kids and families to get outside and visit America's local, state, and national parks and other outdoor areas; and

WHEREAS it is important that children and young people enjoy an active lifestyle and eat healthy and nutritious foods to combat childhood obesity, diabetes, other diseases, and to lead happy, social, and productive lives; and

WHEREAS everyone can realize physical, psychological, and emotional health benefits through exercise, play, and contemplation in parks and other outdoor areas; and

WHEREAS Tualatin has an abundance and variety of year-round outdoor opportunities in our parks, greenways, and natural areas including walking, jogging, and biking on the trail system, canoeing and kayaking on the peaceful, tree-lined Tualatin river; viewing Great Blue Herons, Western Painted Turtles, and other wildlife in native habitats, catching air at the skate park, releasing the hounds at the dog park, to fostering early childhood development through exploration and discovery in imaginative and interactive playgrounds; learning and appreciating Tualatin's unique and colorful cultural and natural history through the ArtWalk, Heritage Center, and Library; and importantly, access to fresh and healthy food available at the Tualatin Farmer's Market.

NOW, THEREFORE BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that;

Section 1. On May 18, 2013 all citizens are urged to go forth and have fun taking the children and young people in their lives to a Tualatin, state or national park or other outdoor area, and by this enjoyable and beneficial activity, teaching children and young people the valuable roles parks can play in their lives.

Section 2. May 18, 2013 is declared National Kids to Parks Day in Tualatin.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:
BY _____
City Recorder

City Council Meeting

B. 4.

Meeting Date: 05/13/2013

ANNOUNCEMENTS: Proclamation Declaring May as Older Americans Month in Tualatin

ANNOUNCEMENTS

Proclamation Declaring May as Older Americans Month in Tualatin

Attachments

Proclamation

Proclamation

PROCLAMATION DECLARING MAY AS OLDER AMERICANS MONTH IN TUALATIN

WHEREAS Tualatin's older adults are a source of wisdom and insight for younger generations, and serve to strengthen the bonds between neighbors – helping make Tualatin a great place to live, work, and play; and

WHEREAS an unprecedented number of adults are reaching retirement age and are remaining strong and active members of the community for longer than ever before; and

WHEREAS the Juanita Pohl Center, Library, Heritage Center, Winona Grange, Tualatin Historical Society, and Tualatin's Recreation, Volunteer, and Public Involvement Programs all provide activities and services essential to the promotion and enhancement of personal well-being and a sense of belonging, and are places and offer programs where people ages 50 and better can socialize, exercise, enjoy nutritious meals, contribute in meaningful ways, and have fun in welcoming and friendly environments; and

WHEREAS Tualatin's older adults deserve recognition for the contributions they have made and will continue to make to the culture, economy, and character of our community and nation; and

WHEREAS Tualatin can recognize older adults by increasing their opportunities to remain active and engaged in community life, providing support systems to maintain their dignity, independence, and self-determination as they age, and by emphasizing the value of elders by publicly expressing appreciation of their contributions to the diversity, strength, and unity of the community.

NOW, THEREFORE BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that;

Section 1. All citizens are urged to take time this month to honor and share experiences with the older adults in our lives and community.

Section 2. May 2013 is declared Older Americans Month in Tualatin.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 5.

Meeting Date: 05/13/2013

ANNOUNCEMENTS: Proclamation Declaring National Police Week

ANNOUNCEMENTS

Proclamation Declaring May 12 - 18, 2013 as National Police Week

SUMMARY

The week of May 12 - 18, 2013 has been designated as National Police Week by the Congress of the United States of America. In addition, May 15th of each year is designated as Police Memorial Day in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty. The City of Tualatin is proud of our law enforcement officers and wishes to recognize their commitment to the public safety profession.

Attachments

Police Week Proclamation

Proclamation

Proclamation Declaring the Week of May 12 - 18, 2013 as "National Police Week" in the City of Tualatin

WHEREAS the Congress of the United States of America has designated the week of May 12 – 18, 2013 to be dedicated as "*National Police Week*" and May 15 of each year to be "*Police Memorial Day*" in honor of the Federal, State and Municipal Officers who have been killed or disabled in the line of duty; and

WHEREAS on average, one law enforcement officer is killed in the line of duty somewhere in the United States every 56 hours, since the first known line-of-duty death in 1791, more than 19,000 U.S. law enforcement officers have made the ultimate sacrifice; and

WHEREAS the City of Tualatin is proud of its law enforcement officers and wishes to recognize their commitment to the public safety profession; and

WHEREAS the Tualatin Police Department and its officers provide the highest quality services and are committed to the highest professional standards, working in partnership with the community, to meet the challenges of reducing crime, creating a safe environment, and improving quality of life.

NOW, THEREFORE BE IT PROCLAIMED that the City of Tualatin designates the week of May 12-18, 2013 as "*National Police Week*" in the City of Tualatin to call attention to Tualatin Police Officers for the outstanding service they provide to the community. The City Council also calls upon the community to express their thanks to the men and women who make it possible for us to leave our homes and family in safety each day and return to our homes knowing they are protected by men and women willing to sacrifice their lives if necessary, to guard our loved ones, property, and government against all who would violate the law.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 6.

Meeting Date: 05/13/2013

ANNOUNCEMENTS: Proclamation Declaring May 19-25, 2013 as Emergency Medical Services (EMS) Week

ANNOUNCEMENTS

Proclamation Declaring May 19-25, 2013 as Emergency Medical Services (EMS) Week

Attachments

EMS Week Proclamation

Proclamation

Proclamation Declaring the Week of May 19-25, 2013 as Emergency Medical Services (EMS) Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

NOW, THEREFORE BE IT PROCLAIMED that the City of Tualatin designates the week of May 19-25, 2013 as "*Emergency Medical Services Week*" in the City of Tualatin to call attention to Emergency Medical Service providers for the outstanding service they provide to the community. The City Council also calls upon the community to express their thanks to these the men and women for their outstanding dedication to their field.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 05/13/2013

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on April 22, 2013 and the Special Work Session on April 23, 2013

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve minutes from the City Council Work Session and Regular Meeting on April 22, 2013 and the Special Work Session on April 23, 2013

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minutes- April 22, 2013
City Council Minutes- April 22, 2013
City Council Special Work Session Minutes- April 23, 2013



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

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

Staff: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker;
Present: Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Information Services Manager Lance Harris; Associate Planner Cindy Hahn; Economic Development Manager Joe Phillips

CALL TO ORDER

Mayor Ogden called the work session to order at 5:30 p.m.

1. ***Metropolitan Area Communications Commission Update.***

City Manager Sherilyn Lombos introduced former Tualatin City Councilor Chris Barhyte and Bruce Crest from the Metropolitan Area Communications Commission. Chris Barhyte said he will be stepping down from MACC in the next month, and Council President Beikman will be representing Tualatin on the Commission. Bruce Crest from the Metropolitan Area Communications Commission (MACC) made a presentation on the history and governance structure of MACC. He said this is a timely conversation as MACC will begin franchise renewal talks with Comcast this coming year. Mr. Crest shared information about the services provided by MACC including franchise renewal, franchise enforcement, public, education and government access services, and public communications network. They expect franchise negotiations will be completed around September and then present a recommendation by the end of that month. Council President Beikman will be bringing updates to the Council as the negotiations proceed.

2. ***Greater Portland, Inc. Update***

Economic Development Manager Joe Phillips introduced Sean Robbins and Derrick Olsen from Greater Portland, Inc. Mr. Robbins explained that Greater Portland, Inc (GPI) is the Portland region's public/private economic development organization, working to nurture and recruit businesses, bolster the local economy and promote long-term job growth. Tualatin is a member through the organization's Smaller Cities Consortium and Mayor Ogden is the current board member representing the consortium cities. Sean Robbins, President and CEO of GPI and Derrick Olsen, Vice-President of Regional Strategy & Coordination, made a presentation on the mission and purpose of GPI. Mr. Robbins shared information regarding the region's economic development work plan which includes three primary components: Business Development, Marketing & Branding, and Regional Strategy & Coordination.

3. *Review and Discuss Linking Tualatin Targeted Outreach*

Assistant City Manager Alice Rouyer and Associate Planner Cindy Hahn presented an update on the Linking Tualatin outreach efforts. Associate Planner Hahn explained that targeted outreach was conducted during March and April to inform business and property owners about the broad concepts being used to refine the transit ready places. She discussed the results of the targeted outreach and how these efforts will help inform work in Phase II as staff further refines the Linking Tualatin Plan's transit ready place recommendations. Ms. Hahn said the next steps included the distribution of information to the Citizen Involvement Organizations (CIOs) during their annual meetings. She explained that staff will be presenting additional information to the Council next month.

ADJOURNMENT

The work session adjourned at 6:48 p.m.

Sherilyn Lombos, City Manager

_____ / Sara Singer, Recording Secretary

_____ / Lou Ogden, Mayor



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

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

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Community Development Director Alice Rouyer; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Information Services Manager Lance Harris; Assistant Planner Colin Cortes; Associate Planner Cindy Hahn; Parks and Recreation Manager Carl Switzer; Library Manager Abigail Elder; Economic Development Manager Joe Phillips; Program Coordinator Becky Savino

A. CALL TO ORDER

Pledge of Allegiance

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

B. ANNOUNCEMENTS

1. Hon. Congresswoman Bonamici Recognizes Tualatin's Centennial Anniversary

The Honorable Congresswoman Suzanne Bonamici presented a commemoration of the Centennial of Tualatin, she read the commemoration which was entered into the Congressional record on April 9, 2013.

2. City of Tualatin Public Service Recognition Week Proclamation

Council President Beikman read the proclamation recognizing May 5-11 as Public Service Recognition Week.

3. Proclamation Endorsing Efforts to Implement Conservation Areas and Encourage Policy Makers to Pursue a Sound Forest Policy

Councilor Davis read the proclamation endorsing efforts to implement conservation areas and encourage policy makers to pursue a sound forest policy. Chris Smith thanked the Council for reading this proclamation. He stressed the importance of this conversation for the sustainable management of the state's forest.

4. 2013 Crawfish Festival Annoucement

Linda Moholt from the Tualatin Chamber of Commerce announced that this year's Crawfish Festival will be themed for the City's Centennial, "Claws for Celebration." The festival will be held on August 9-10, 2013.

C. CITIZEN COMMENTS

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Linda Moholt spoke in regards to the Job Access Mobility Institute. JAMI will help employees get from WES and TriMet out to the industrial area. Trimet administers federal funds for operational programs which will help to expand the current shuttle program to get people from public transit to their jobs.

Kathy Newcomb submitted comments for the record. She emphasized the need for better transit in Tualatin. She also asked for better representation for Tualatin in the SW Corridor planning.

D. CONSENT AGENDA

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

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

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting on April 8, 2013
2. Tualatin Library Advisory Committee Annual Report for 2012
3. Consideration of Approval of a New Liquor License Application for Lakeside Bistro

E. SPECIAL REPORTS

1. Community Enhancement Award Presentation to The Lewis & Floetta Ide Healing Garden at Legacy Meridian Park Medical Center

Becky Savino and Gary Thompson from the Arts Advisory Committee presented the Community Enhancement Award to Legacy Meridian Park Medical Center for the Lewis and Loetta Ide Healing Garden. This garden is for recreational therapy and to bring together the community for reflection, volunteering to care for the garden and many other opportunities. Allyson Anderson, Theresa, and Floetta Ide accepted the award. Mayor Ogden presented the plaque to the recipients.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of Resolution No. 5137-13 Adopting Findings in Support of an Exemption from Competitive Bidding and Authorizing a Competitive Request For Proposal Process for the SW Martinazzi Avenue Project

Engineering Manager Kaaren Hofmann presented a report regarding the SW Martinazzi Ave project. The project started design work in March of 2012 and is approximately 95% complete. This project is intended to replace existing water and sewer lines, pavement, catch basins and traffic signals in the area. As the project has progressed open houses and meetings with individual property owners have been held. It has become apparent as the designs have progressed that this project will have several challenges during construction. The major challenge being the construction on SW Martinazzi Ave, as it is one of the busiest streets in Tualatin. This resolution will allow staff to use an untraditional bidding process for this project to help alleviate the challenges by finding a contractor who can get the project done most efficiently.

MOTION by Council President Monique Beikman, SECONDED by Councilor Ed Truax to adopt Resolution Number 5137-13 finding in support of an exemption from competitive bidding and authorizing a competitive request for proposal process for the SW Martinazzi Avenue project.

Vote: 7 - 0 MOTION CARRIED

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01)

Mayor Ogden read the following in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b):

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 requirements of this Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria [TDC 32.030]:

- a. The use is listed as a conditional use in the underlying planning district.
- b. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
- c. 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.
- d. 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.
- e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.

Testimony and evidence must be directed toward the above criteria or those

criteria in the Development Code which you believe apply to this decision.

If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.

Unless there is a continuance, before the conclusion of the initial evidentiary hearing a participant may request, before the hearing is closed, that the record remain open for at least seven days after the hearing.

Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Council to respond to the issue precludes an action for damages in circuit court.

The hearing will begin with a presentation of the City staff report followed by testimony on behalf of the applicant and supporters of the applicant. Next follows the evidence against the application. Rebuttal will then be permitted. After evidence is received the hearing will be closed and the Council will deliberate towards a decision. Any tentative decision will be reduced to a final written decision and adopted by the Council, usually at its next meeting.

If any Council members wish to announce any potential conflict of interest, bias or ex parte contact, they should do so now.

Council President Beikman stated that she did drive by the subject property with a staff member to become familiar with the property.

Assistant Planner Colin Cortes made a presentation regarding the conditional use permit. A small lot subdivision requires a conditional use permit approved by the Council. Mr. Cortes shared the conditions of approval. He presented the summary from the neighborhood developer meeting regarding the request to preserve trees on the site. He stated the application does meet the standards for conditional use.

Dean Reynolds spoke on behalf of the applicant. He stated that Pennington Heights was originally planned to have six lots, and the entire infrastructure is in place to support it.

Councilor Grimes asked if there were any other concerns raised by the neighbors during the neighborhood meeting. Mr. Cortes responded that most questions were in regards to architectural style, construction schedule and other general questions about the project, yet not anything in opposition.

Mayor Ogden closed the testimony part of the hearing.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to approve the proposed Conditional Use Permit to Allow a Small-lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900) (CUP-13-01).

Vote: 7 - 0 MOTION CARRIED

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

Councilor Davis sent best wishes to Senator Betsy Johnson who was in an accident today and is currently at Oregon Health and Science University.

Councilor Bubenik thanked everyone who was involved in this past weekend's Vine2Wine event. He said it was another great success.

K. ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Sherilyn Lombos, City Manager

_____ / Sara Singer, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE SPECIAL WORK SESSION OF THE TUALATIN CITY COUNCIL FOR APRIL 23, 2013

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

Absent: Councilor Wade Brooksby

Staff Sherilyn Lombos, Don Hudson

Present:

Attendees: Kaaren Hofmann, Clayton Reynolds, Joe Phillips, Mick Wilson, Lisa Thorpe, Cortney Cox, Abigail Elder, Robert Kellogg, Mark Gardner, Larry Braaksma, Greg Pickering, Candice Kelly, Del Judy, Dan Gaur, Kent Barker, Alice Rouyer, Lynette Sanford, Paul Hennon, Sara Singer, Aquilla Hurd-Ravich, Lance Harris, Carl Switzer, Tom Steiger, Ben Bryant, Janet Newport, Matthew Warner, Roger Mason, Denice Ambrosio, Bert Olheiser

A. CALL TO ORDER

Mayor Ogden called the special work session to order at 5:04 p.m.

B. AGENDA

City Manager Sherilyn Lombos began the discussion of the FY 2013/14 budget process update. Mayor Ogden addressed everyone and stressed the value of the Council members input.

Finance Director Don Hudson gave a PowerPoint presentation of the Fiscal Year 2013/14 budget overview, which included the fiscal health diagnostic model, two decision packages for Council input, and a overview of a proposed Operations Warehouse project. Director Hudson said staff's direction during budget preparation was to maintain service levels, look for savings and efficiencies, and prepare a budget with limited growth in materials and services while continuing to provide quality services to citizens.

Director Hudson reviewed comparison graphs of FY 11/12 and FY 12/13 of ongoing general fund revenues and expenditures and FY 13/14 proposed ongoing revenues and expenditures. Director Hudson stated that we are doing a great job of remaining stable. He discussed some of the changes in the on-going revenues and expenditures.

With PERS being the second largest single expenditure in the General Fund - \$1.9 million in FY 13/14. Director Hudson provided a high level overview of PERS, its impact to Tualatin and some of the legislative reforms being discussed at the Oregon Legislature. Mayor Ogden asked where the future biennium projections are from. Director Hudson stated that the projections come from the State of Oregon.

City Manager Lombos mentioned that it is important to spend time discussing PERS, since it is something with a significant impact on the budget and is the second largest general fund item. Councilor Truax stated the message of potential reforms is false savings, and as we go through this budget process we should not rely on it.

One-time expenditures were reviewed. These included replacing the police mobile data terminals, replacing HVAC units at the Van Raden Center, replacing police vehicles, parking lot repair and overlay in Community Park, network hard drive space and upgrade to network security, and email archiving technology. The ongoing expenditures exceed ongoing revenues by about 0.7%. Mayor Ogden asked how much the 0.7% was in dollars. Finance Director Hudson stated that it translates to \$125,000 and there is a fund balance available to cover this cost. Mayor Ogden raised the concern of the PERS deficit and if these costs should be budgeted. It was mentioned that the increased PERS costs were already included in the FY 13/14 budget. Discussion followed regarding the one-time expenses and the replacement schedule.

Discussion turned to the fiscal health model and future analysis. Director Hudson stated there will be revenue growth due to construction. Councilor Truax commented that the City is in a great position of managing the resources we have control over. Mayor Ogden agreed.

Director Hudson discussed the decision packages, beginning with a request for a Police Service dog for drug detection. Since 2009, there have been over 440 drug related calls for service in the City of Tualatin. The FY 13/14 cost would be \$21,694; FY 14/15 would be \$10,450. Councilor Truax asked the difference between dual purpose and detection dogs. Police Chief Kent Barker responded that the detection dog is specialized. He also stated that there is a high need for the drug detection dog because they are not readily available and there is a wait involved when a call is made. The second decision package proposed a part-time Library Children's Services Assistant, the FY 13/14 cost would be \$32,450.

Interim Public Works Director Clayton Reynolds gave an overview of the Operations Warehouse project. This is outside the decision package and general fund budget and the total proposed cost is \$2,226,665. This building would sustain the Operations department for the next 40-50 years and it will triple the space. Director Hudson stated we have \$1 million in reserve; leaving \$1.2 million to finance. Discussion followed regarding the reserve funds.

Council had a discussion regarding the decision packages. Mayor Ogden asked what type of dog is currently used in Police. Police Chief Barker responded that they're currently using tracking dogs. Chief Barker added that if the drug detection dog is approved, we may be able offset the cost due to donations from the community, businesses, and private citizens. Councilor Beikman commented that she would be in favor to approve the police dog, but is concerned due to increasing costs within the budget in the next few years and the possibility of cutting services. Councilor Bubenik agreed with Councilor Beikman. Councilor Davis and Councilor Truax were in favor. Councilor Grimes added that the potential community support would help offset the cost, which she is in favor of. Councilor Truax asked for a count. The count was as follows: Police Dog: 3 for, 3 opposed. Library Assistant: 1 for, 5 opposed. This discussion will continue at a future meeting. There were no objections to the Operations Warehouse project.

Director Hudson concluded the discussion with a review of the next steps/timeline for the upcoming Budget Committee meetings in May, with budget adoption scheduled for approval at the June 24, 2013 Council meeting.

C. ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Sherilyn Lombos, City Manager

_____/ Lynette Sanford, Recording Secretary



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Bert Olheiser, Street/Sewer/Storm Manager
Clayton Reynolds, Interim Director

DATE: 05/13/2013

SUBJECT: Consideration of Resolution No 5142-13 Awarding the Bid for the 2013 Pavement Maintenance Program

ISSUE BEFORE THE COUNCIL:

Awarding the bid for the 2013 Pavement Maintenance Program.

RECOMMENDATION:

Staff recommends that Council adopt Resolution 5142-13 (Attachment A), awarding the bid for the 2013 Pavement Maintenance Program and authorizing the Mayor and City Manager to execute a contract with Kodiak Pacific in the amount of \$459,000.

EXECUTIVE SUMMARY:

This project consists of street pavement overlays, full-depth patch or inlays, traffic signal detection replacement, and other pavement-related work on city roadways.

The Invitation to Bid complied with the public contracting requirements in Tualatin Municipal Code Chapter 1-21. The Invitation to Bid was published in the Daily Journal of Commerce on April 3, 2013 and April 10, 2013. Bids for this project were opened on April 24, 2013 at 1:00 p.m. Five bidders responded:

| | |
|----------------------|--------------|
| Kodiak Pacific | \$459,000.00 |
| Brix Paving Company | \$461,335.14 |
| North Santiam Paving | \$505,700.00 |
| Knife River | \$526,760.00 |
| Eagle Elsner | \$527,645.00 |

The project is to be completed before August 23, 2013.

The Engineer's Estimate for this year's projects is \$477,000.

The lowest responsible bidder is Kodiak Pacific, in the amount of \$459,000.

The City Manager, or designee, is also authorized to execute change orders in the amount of up to 10% of the total contract price.

OUTCOMES OF DECISION:

If awarded, the contractor will begin work on July 8, 2013 and work will be completed by August 23, 2013. Staff will coordinate public information with the affected neighborhoods.

FINANCIAL IMPLICATIONS:

Funds for this project are available in the 2013/2014 fiscal year budget, Road Utility Fund. Line item 016-0000-641.64-33.

Attachments: Resolution Awarding Contract

RESOLUTION NO. 5142-13

RESOLUTION AWARDING THE BID FOR THE 2013 PAVEMENT
MAINTENANCE PROGRAM

WHEREAS, the 2013 Pavement Maintenance Program project was advertised in the *Daily Journal of Commerce* on April 3 and April 10, 2013; and

WHEREAS, five bids were received prior to the close of the bid period on April 24, 2013; and

WHEREAS, Kodiak Pacific was the lowest responsible bidder; and

WHEREAS, funding for this project is budgeted in the 2013/14 Fiscal Year Road Utility Fund, line item 016-0000-641.64-33; and

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

Section 1. The contract be awarded to Kodiak Pacific.

Section 2. The Mayor and City Recorder/City Manager are authorized to execute a contract with Kodiak Pacific in the amount of \$459,000.00.

Section 3. The City Recorder/City Manager or designee is authorized to execute change orders totaling up to 10% of the original contract amount.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

APPROVED AS TO FORM

CITY OF TUALATIN, OREGON

BY _____
City Attorney

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

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

DATE: 05/13/2013

SUBJECT: Consideration of an Intergovernmental Agreement (IGA) with Washington County for a Landscaped Median in SW Lower Boones Ferry Road at the Bridgeport Apartments

ISSUE BEFORE THE COUNCIL:

Consideration to authorize the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for a Landscaped Median in SW Lower Boones Ferry Road at the Bridgeport Apartments.

RECOMMENDATION:

Staff recommends that the Council authorize the City Manager to execute an Intergovernmental Agreement (IGA) with Washington County for a Landscaped Median in SW Lower Boones Ferry Road at the Bridgeport Apartments.

EXECUTIVE SUMMARY:

This IGA allows the installation of landscape improvements within the median on SW Lower Boones Ferry Road. The median and landscape improvements were required as a condition of approval for the Bridgeport Apartments Project. Washington County does not allow installation of landscaping within a median because of maintenance concerns. This agreement allows the installation of landscaping within the median, similar to the landscaped median on either side of Interstate 5 on SW Nyberg Street, and along SW Tualatin-Sherwood Road.

The agreement requires the City to maintain the landscaping and irrigation to the area, including replacement of dead or dying plants and trees, removal of litter, removal of weeds or weed control, and tree trimming to maintain a 17 foot clear zone in the travel lane and leaf removal.

OUTCOMES OF DECISION:

Approval of the IGA will result in the installation of a landscaped median on SW Lower Boones Ferry Road.

Denial of the IGA will result in the installation of a concrete median.

ALTERNATIVES TO RECOMMENDATION:

1. Modify the IGA.
2. Deny the IGA.

FINANCIAL IMPLICATIONS:

The installation of the median will be constructed by the developer at no City expense. The ongoing maintenance of landscaping will be covered in the Operations/Parks Maintenance Division budget.

Attachments: A - IGA

Lower Boones Ferry Road Landscaping Maintenance Area

INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND CITY OF TUALATIN
FOR LANDSCAPE INSTALLATION AND MAINTENANCE FOR THE
MEDIAN ON A PORTION OF LOWER BOONES FERRY ROAD

THIS AGREEMENT is made and entered into by and between Washington County, ("County") and the City of Tualatin, ("City".)

RECITALS

1. Lower Boones Ferry Road ("LBF") is a part of the County roadway system under the jurisdiction and control of County.
2. The Bridgeport Apartments ("Bridgeport") are proposed along LBF. The developer of Bridgeport was required by City to install a raised median in a portion of LBF, which is intended to accommodate the access management requirements of their land use permit. Installation of the raised median is provided for through a separate County Facility Permit to be issued to the developer or its contractor.
3. By the authority granted in ORS 190.110, County may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
4. The purpose of this agreement is to establish the responsibilities for the installation and maintenance of median plantings and irrigation on LBF within the Project limits.

NOW THEREFORE, the parties agree as follows:

TERMS OF AGREEMENT

1. County and City agree to allow landscape improvements in a median near the center of Lower Boones Ferry Road, ("Project") according to the approved plans associated with a county-issued Facility Permit. The City shall determine, based on its planning and development review recommendations and in accordance with County standards, what landscaping shall be part of the development in the Project area. County will issue a Right-of-Way permit to City for for the ongoing maintenance of the landscaping and appurtenances associated with the Project. The location of the Project is approximately as shown on the attached sketch map, marked Exhibit A, which is made a part of this agreement by this reference.

2. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance for the useful life of the facilities constructed as part of the Project.

CITY OBLIGATIONS

1. Upon issuance of the Facility Permit and as part of the application packet for a County Right-of-Way permit, City shall provide the Project's final, approved plans and specifications, associated with the median and its landscaping, to County's Operations and Maintenance Division.
2. City shall maintain the contents of the median including the landscaping and irrigation approved for the Project. Maintenance of the median shall include replacement of dead or dying plants and trees, removal of litter, removal of unpermitted signs, application of herbicides, removal of weeds, removal of leaves, tree trimming to maintain a 17- foot vertical clear zone in the travel lane, and any other activity associated with the vegetation. All replacement landscaping shall meet County Road Standards and all costs of landscaping replacements and maintenance, including water and power for irrigation within the Project area shall be at City cost. City shall manage irrigation system so that water does not spray or drain onto road surfaces in a manner that would cause damage to the road or create a hazard to the public.
3. City shall repair or replace any public or private infrastructure in the right-of-way that is damaged due to the replacement of Project's landscaping and irrigation or in the course of maintaining the median
4. City may require the adjacent property owners to fund or perform landscape maintenance for the Project. Regardless of such arrangements, City shall remain responsible for compliance with the terms of this agreement and any permit(s) associated with the Project. City shall ensure that any party it authorizes to perform work in the right-of-way in association with the Project does so in accordance with any permits, provisions or conditions established by the County. If City provides for work to be performed by anyone other than City employees, City shall require evidence of commercial liability insurance in an amount not less than the statutory tort claim limits, and shall cause the County to be an additional named insured on such policy.
5. City shall authorize execution of this Agreement during a regularly convened session of its City Council.
6. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, City shall indemnify, defend, save, and hold harmless Washington County, Oregon and its officers and employees from all claims, suits, and liabilities which may occur in the City's performance of work, or work authorized by City, relating to the installation and maintenance of this Project.

7. City's Project Manager for this project is Kaaren Hofmann, 18880 SW Martinazzi Avenue, Tualatin, OR 97062; phone 503-691-3034, or her assigned designee.

COUNTY OBLIGATIONS

1. Upon receipt of a Right-of-Way permit application packet from City, County shall review the application material and issue a Right-of-Way permit with conditions and requirements consistent with the intent of this agreement.
2. The Right-of-Way permit, issued to City for the Project, will grant permission to the City or others designated by the City, to access County right of way for the purpose of maintaining the Project as described in the City Obligations.
3. County's contact for this Project is Todd Watkins, 1400 SW Walnut Street, MS 51 Hillsboro, OR 97123; phone: 503-846-7650, or his assigned designee.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both parties.
2. County may terminate this Agreement effective upon delivery of written notice to City, or at such later date as may be established by County, under any of the following conditions:
 - a. If City fails to provide services called for by this Agreement within the time specified in this agreement or any extension of time.
 - b. If City fails to perform any provision of this Agreement, or fails to pursue the work in accordance with the terms in this agreement, and after receipt of written notice from County fails to correct such failures within ten (10) days or such longer period as County may authorize.
3. Termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
4. If City fails to maintain facilities in accordance with this Agreement, County, at its option, may maintain the facility and bill City, remove any project facilities and bill City, seek an injunction to enforce the duties and obligations of this Agreement or take any other action allowed by law.
5. This Agreement may be executed in several counterparts all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

6. This Agreement and attached exhibits constitute the entire agreement between the parties on this subject. There are no understandings, agreements, or representations, oral or written, not specified regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of County to enforce any provision of this Agreement shall not constitute a waiver by County of that or any other provision.

ENTERED INTO ON THE DATE LAST SIGNED BELOW.

City of Tualatin

By _____
Mayor

Date _____

ATTEST:

City Recorder

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Attorney

Washington County

By _____
Chair

Date _____

By _____

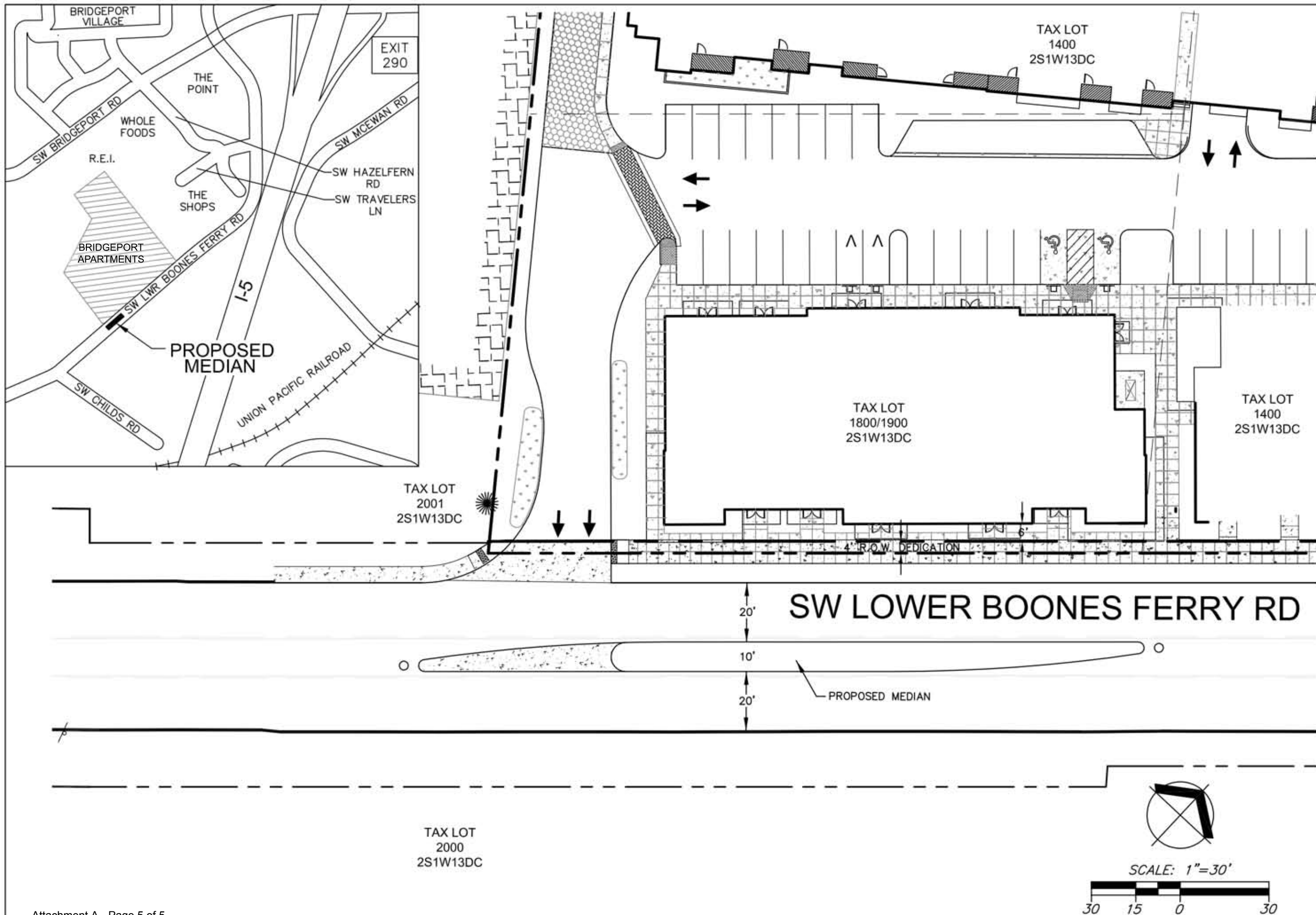
Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
County Counsel

City Contact:
Kaaren Hofmann, Engineering Manager
18880 SW Martinazzi Avenue
Tualatin, OR 97062

County Contact:
Todd Watkins, Operations Engineer
1400 SW Walnut Street
Hillsboro, OR 97123





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: 05/13/2013

SUBJECT: Consideration of an Intergovernmental Agreement (IGA) with Tualatin Valley Water District and the City of Portland for Engineering Services to Evaluate an Emergency Intertie for the Water Systems

ISSUE BEFORE THE COUNCIL:

Consideration to authorize the City Manager to execute an Intergovernmental Agreement with Tualatin Valley Water District (TVWD) and the City of Portland for the evaluation of an emergency water system pump station.

RECOMMENDATION:

Staff recommends Council authorize the City Manager to execute an Intergovernmental Agreement with Tualatin Valley Water District (TVWD) and the City of Portland for the evaluation of an emergency water system pump station.

EXECUTIVE SUMMARY:

The City of Tualatin currently buys water from the City of Portland. In an emergency situation that supply could be eliminated. This project would provide for an emergency pump station and connection to the Tualatin Valley Water District. TVWD could provide Tualatin with approximately 5 mgd of Joint Water Commission water in an emergency.

This IGA is to allocate cost sharing for the planning portion of the project. If the evaluation appears favorable, another agreement will be necessary for construction costs and operations/maintenance issues.

FINANCIAL IMPLICATIONS:

The planning portion of this project is projected to cost a total of \$50,000. Tualatin's share of this project is \$12,500. Funds are available for this project in the Water Operating Fund.

Attachments: Attachment A- IGA

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement is effective upon day of its last signature by representatives of the parties, is by and between Tualatin Valley Water District, a domestic water supply water district organized under ORS Chapter 264 (TVWD), the City of Portland, a municipal corporation (Portland), and the City of Tualatin, a municipal corporation (Tualatin).

RECITALS

The parties are duly authorized and formed by City Charter and under the laws of the State of Oregon and are authorized to enter into agreements to provide for domestic water service.

TVWD presently has sources of water from the City of Portland and the Joint Water Commission. Portland has its source of water from the Bull Run system and the Columbia South Shore Well Field. Tualatin is a wholesale water purchaser from Portland.

Each party recognizes that there are mutual benefits to evaluate the capacity of emergency water supply from TVWD for TVWD, Portland and Tualatin in the event of supply limitations of the Portland system. TVWD has solicited proposals from consultants to conduct analysis and planning to evaluate capacity and design concepts for a temporary emergency pump station to allow TVWD to supply water to Portland and Tualatin from TVWD's Joint Water Commission source.

The goal is to evaluate the design and construction of temporary pumping facilities to provide up to 20 million gallons per day at or near Portland's meter vault on the Washington County Supply Line in Beaverton Hillsdale Hwy.

Now, therefore, the parties agree as follows:

1. Recitals. The recitals above are incorporated by reference and made a part of this Agreement.
2. Retention of Consultant. TVWD has solicited a scope of work from HDR, Inc. to provide engineering services to evaluate the ability of TVWD to provide emergency water supply to its own Metzger district and to Portland and Tualatin in the event of supply limitations of the TVWD or Portland system. The scope of services to be performed by the consultant is described in Exhibit 1 of this Agreement and incorporated by reference. If the HDR evaluation is deemed positive by all the parties, then the Parties agree they shall endeavor to negotiate a new Agreement regarding design and construction including allocation of costs. Nothing in this Agreement, however, commits any party to proceed with any new Agreement or subsequent project.

3. Payment. The parties agree that TVWD shall contract with HDR at the total price of \$50,000 and that Portland shall reimburse TVWD for one-half of the total HDR costs and Tualatin will reimburse TVWD 25% of the total HDR costs. TVWD will invoice Portland and Tualatin for their respective shares as progress payment requests from HDR are received. Portland and Tualatin shall pay the amount of the invoice within 30 days. If there is a dispute of the amount due, Portland and Tualatin shall pay the undisputed amount and the disputed amount will be resolved through Section 10 below. However, in no case shall Portland be obligated to pay more than \$25,000 under this Agreement.

A. Invoices submitted to Portland shall be submitted electronically to wbaps@portlandoregon.gov
The invoice shall contain the City of Portland's Contract Number and include Portland's Project Manager Name.

B. Invoices submitted to Tualatin shall be submitted electronically to khofmann@ci.tualatin.or.us

4. Project Manager. Stewart Davis of TVWD will be the program manager and responsible for all direction to HDR. Portland designates Stan VandeBergh as its project manager, and Tualatin designates Kaaren Hofmann as its project manager.

5. Compliance with Law. TVWD shall be solely responsible to comply with all state statutes and rules regarding the contract with HDR.

6. Documents. Each party shall provide water system-related documents and information as reasonably necessary in order for HDR to perform its work hereunder. Each party shall receive any interim, draft and final reports or recommendations produced by HDR, and each party may submit, within a reasonable time, comments or recommendations on the HDR products. Any request shall be met within a reasonable period of time. Each party may request and is entitled to receive copies of any materials obtained or produced by HDR under its contract with TVWD.

7. Confidentiality. Except as required by law, disclosure of any information designated as "for non-disclosure" or "confidential" that has or shall be gathered and provided to the City of Tualatin and Tualatin Valley Water District as part of the Washington County Supply Line Emergency Pump Station Project shall be a breach of the terms of this agreement. All parties agree to make provisions to secure all project records designated "for non-disclosure" or "confidential" including drafts. The parties shall impose these same requirements on all employees, agents, other firms and their employees participating in the project.

The parties agree that any breach of this Agreement shall cause irreparable harm to the other parties and without limitation of any other remedy; any party

may obtain injunctive relief to prevent disclosure. Jurisdiction and venue shall be in the Circuit Court of the State of Oregon for the County of Washington.

8. Records Maintenance; Access. The parties shall maintain all records relating to this Agreement in such a manner as to clearly document performance. Each party and their duly authorized representatives shall have access to records to substantiate performance, including fiscal records and other books, documents, papers, plans and writings of the other parties that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts upon not less than two (2) business days' prior written notice. The parties shall retain and keep accessible all records related to performance, fiscal records, books, documents, papers, plans and writings as required by Oregon Public Records Laws, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

9. Indemnity. To the fullest extent permitted by the Oregon Constitution, laws of the State of Oregon regarding units of local government and subject to the monetary limits of ORS 30.260 – 30.300, each party agrees to indemnify, defend and hold the others harmless from any liability claim or injury arising from that parties' acts or omissions in connection with the performance of this Agreement.

10. Insurance. Contract documents with HDR shall require that HDR obtain, prior to beginning any work, and shall maintain in full force and effect for the term of the contract at HDR's expense, comprehensive general liability to include bodily injury and property damage on a combined single limit per occurrence aggregate basis; automobile liability with a combined single limit coverage to include bodily injury and property damage; and other insurance appropriate to the work to be performed in amounts not less than what TVWD would require for that type of work. The named insured on any policy shall be HDR, the City of Portland, City of Tualatin and Tualatin Valley Water District. HDR shall name City of Portland, City of Tualatin and TVWD their elected appointed officials, officers, agents, employees and volunteers as additional insured. The policy shall be primary to and not contributory with any insurance or self-insurance carried by the Parties and issued by a company authorized to business in the State of Oregon. HDR shall provide TVWD written notice within 30 days of cancellation or material modification of the insurance contract at the addresses listed below. HDR shall provide certificates of insurance and additional insured policy endorsement to TVWD prior to commencement of any work under the contract. If requested, complete copies of insurance policies shall be provided to City of Portland, City of Tualatin and TVWD. HDR shall be financially responsible for all pertinent deductibles, self-insured retention and or self-insurance used to satisfy these requirements.

11. Term. This Agreement shall expire without further acts of the parties upon completion of the project by HDR or June 30, 2014, whichever is sooner. This Agreement may be terminated earlier by mutual agreement of the parties or by breach or default.

12. Breach, Default and Disputes. If any Party breaches any covenant hereunder, the non-breaching party may revoke this Agreement at any time by giving thirty (30) days' written notice specifying the breach. If the breach is not cured within that time, the non-breaching party may send a second notice terminating this Agreement immediately, and the Agreement shall be terminated unless the disputing parties request dispute resolution in writing:

- A. The Chief Executive Officer of TWWD, the Administrator of the Portland Water Bureau, and the City Manager of Tualatin shall meet to resolve the matter within thirty (30) days. If resolved, a written agreement memorializing the resolution will be executed.
- B. If resolution is unsuccessful, then within ten (10) days any party may request mediation. If the parties cannot agree on a mediator, they shall use Arbitration Services of Portland, Oregon, to select a mediator. Mediation shall be concluded within sixty (60) days unless the disputing party agrees to a different schedule. If resolved, a written agreement shall be executed and approved by the appropriate decision maker.
- C. If mediation is unsuccessful, within fifteen (15) days, any party may seek any legal or equitable remedy in the Circuit Court of the State of Oregon for Washington County.
- D. Attorney Fees. If any suit, action, arbitration, mediation or other proceeding is instituted to enforce rights or otherwise pursue, defend, or litigate issues related to this Agreement, or any other controversy arises from this Agreement, and regardless of any statute to the contrary, each party shall bear its own attorneys fees and costs. The award of costs and expenses on appeal from a judgment entered after trial shall be to the prevailing party designated as such by the appeals court.

13. Notices. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, mail, facsimile, or email.

- A. Notice By Personal Delivery. Any communication or notice given by personal delivery shall be effective when actually delivered.

- B. Notice by Mail. Notice given by mail shall be by postage prepaid, to the relevant party at the address, set forth herein, or to such other addresses as either party may indicate pursuant to this Section. Any communication or notice so addressed and mailed shall be effective five (5) days after mailing.
- C. Notice by Facsimile. Any communication or notice delivered by facsimile shall be effective on the day the transmitting machine generates a receipt of the successful transmission, if transmission was during normal business hours, or on the next business day, if transmission was outside normal business hours of the recipient. To be effective, any notice transmitted by facsimile must be confirmed by telephone to the recipient's Project Manager.
- D. Notice by Email. Any communication or notice given by email shall be effective upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system, or by actual confirmation by the recipient.
- E. Unless otherwise notified in writing as set forth above, notices shall be given to the Project Managers. If a Party's Project Manager is changed, notification of the change shall be promptly made in writing to the other parties. If a party receives a communication from the other parties not executed by the Project Manager, the party may request clarification from the sending party's Project Manager, which shall be promptly furnished.

Stu Davis, P.E.
Tualatin Valley Water District
1850 SW 170th Avenue
Beaverton, OR 97006

Stan VandeBergh, P.E.
City of Portland Water Bureau
1120 SW 5th Ave., Rm. 600
Portland, OR 97204

Kaaren Hofmann, P.E.
Engineering Manager City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

14. Successors and Assigns. The terms and conditions of this Agreement shall be binding upon any and all successors and assigns of the Parties.

In witness hereof, the parties have executed this Intergovernmental Agreement on the day and year first written above.

TUALATIN VALLEY WATER DISTRICT

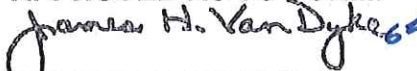
By: 
Gregory DiLoreto
Chief Executive Officer/AIC

CITY OF PORTLAND

David G. Shaff
Portland Water Bureau
Administrator

Date

APPROVED AS TO FORM
APPROVED AS TO FORM:


JAMES H. VANDYKE
CITY ATTORNEY
City Attorney

4/19/13

Date

CITY OF TUALATIN

By: _____
Sherilyn Lombos,
City Manager

APPROVED AS TO LEGAL FORM

CITY ATTORNEY

Exhibit 1, Scope of Services

Background

Tualatin Valley Water District (TVWD), the City of Portland (Portland), and the City of Tualatin (Tualatin) have entered into an Intergovernmental Agreement to evaluate the design and construction of temporary pumping facilities to provide up to 20 million gallons per day at or near Portland's meter vault on the Washington County Supply Line in Beaverton Hillsdale Highway.

TVWD presently has sources of water from the City of Portland and the Joint Water Commission. Portland has its source of water from the Bull Run system and the Columbia South Shore Well Field. Tualatin is a wholesale water purchaser from Portland. Each party recognizes that there are mutual benefits to evaluate the capacity of emergency water supply from TVWD for TVWD, Portland and Tualatin in the event of supply limitations of the Portland system. TVWD has solicited proposals from consultants to conduct analysis and planning to evaluate capacity and design concepts for a temporary emergency pump station to allow TVWD to supply water to Portland and Tualatin from TVWD's Joint Water Commission source.

TVWD has entered into a contract with HDR, Inc. to provide engineering services to evaluate the ability of TVWD to provide emergency water supply to its own Metzger district and to Portland and Tualatin in the event of supply limitations of the TVWD or Portland system. The following tasks shall be completed:

Task 1 – Preliminary Design.

Activities: HDR shall work with TVWD and the stakeholders to define possible failure modes and operating conditions under which the pump station will need to operate. Once these conditions are defined, HDR shall work with the TVWD to develop a preliminary design for the project that outlines the following:

- Hot tapping details
- Site improvements
- Materials of construction
- Pump performance requirements
- Pump drive type
- Pump selection, mounting and assembly details
- Trailer Criteria.
- Instrumentation and SCADA requirements
- Identify project improvements that require land owner acceptance/approval
- Identify ancillary equipment needed to assemble and start up the pump station during an emergency

- Preliminary information needed to define the project to prepare a detailed design for the equipment and material procurement and construction.

HDR shall develop a preliminary plan for project implementation including a schedule and proposed procurement packages. As part of the preliminary design process, HDR's work activities shall include a topographic survey of the site and development of a base map showing right of way boundaries and proposed easements. Survey shall include field locates for utilities (underground and overhead). Utilities will be shown on base map and plans as approximate for information purposes only. Topographic survey and mapping will include features, both man-made and natural, within the project area that are likely to impact design and construction. Survey will include field data to be used for preparing a civil base plan for the project with 1-foot contours; existing visible utilities, including manholes, catch basin, grates inlets, water valves, overhead wires with poles and anchors with ground clearances; surrounding culture such as signs, retaining walls, landscaping and trees, driveways, mailboxes, fences, and irrigation infrastructure; existing roadway features including pavement lanes, bike lanes, sidewalks and street signs, and other features.

In addition, an evaluation of various pump, driver and piping alternatives will be developed. The alternatives that will be considered include the following:

- One custom pump versus multiple off the shelf pumps
- Direct coupled engine driven pumps versus electric motor/generator set power with or without VFD .
- Trailer versus skid mounted pumps.
- Connection type and configuration – above ground piping, buried piping, pipe supports, and connection details.
- Flexibility opportunities for the pump station and alternative uses.
- Piping material selection including welded steel pipe, ductile iron pipe, high density polyethylene pipe and possible flexible tubing.
- The agenda for the meeting will consist of a table of potential opportunities or options to help guide the discussion and strategies for narrowing the options and provide a structure for decision making.
- Noise abatement.

Preliminary cost estimates will be developed for the three preferred options and presented in the alternative presentation workshop. A detailed opinion of probable construction cost will be developed for the preferred alternative.

Meetings: Up to two meetings/workshops are assumed as follows:

- Kickoff/project definition and criteria development workshop
- Alternative presentation, review and predesign workshop

Assumptions:

- Workshops will be four hours in length, attended by the project manager, technical advisor, and project engineer.
- Information regarding potential operating conditions will be identified prior to workshop 1.
- HDR will provide cost data and technical data to assist in decision making during the meetings.

Deliverables: Meeting summaries and memoranda outlining decisions reached regarding defining the project criteria, material selection, hot tapping requirements, site improvements, equipment selection, procurement procedures and mechanisms. An implementation plan, project schedule, locations of utilities that may present conflicts that need to be potholed for design, and opinion of probable construction cost will be included in a technical memorandum.

Task 2 – Final Design – May be a Future Task

Task 3 – Material/Contractor Procurement – May be a Future Task

Task 4 – Construction Services – May be a Future Task

Task 5 – Testing, Startup, and Training – May be a Future Task



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: 05/13/2013

SUBJECT: Consideration of Resolution No. 5139-13 Authorizing City Staff to Negotiate to Acquire Easements for the SW Martinazzi Avenue Project

ISSUE BEFORE THE COUNCIL:

Consideration of a resolution authorizing city staff to negotiate to acquire easements as part of the SW Martinazzi Avenue project.

RECOMMENDATION:

Staff recommends that the Council consider the attached resolution.

EXECUTIVE SUMMARY:

The SW Martinazzi Avenue project includes installing a water line underneath the Tualatin River. This line will replace the existing water line that is on the SW Boones Ferry Road Bridge. The construction of the water line will occur through a boring process that means most of the construction will be underground except at the ends of the bore. Permanent water line easements will be required from the Heron's Landing and the Tualatin View Apartments properties.

The attached resolution will allow the City to negotiate with the property owners for the necessary easements.

OUTCOMES OF DECISION:

Approval of the request to authorize negotiations to acquire easements will result in allowing the City to begin negotiations with property owners for easements needed to construct the water line improvements.

Denial of the request to authorize commencement of negotiations to acquire easements will result in the project being put on hold.

FINANCIAL IMPLICATIONS:

This project, including easement acquisition, is budgeted in the Water, Sewer, and Storm Drain Operating Funds, the Gas Tax Fund, and the Road Utility Fund.

Attachments: Resolution and Exhibit

RESOLUTION NO. 5139-13

A RESOLUTION AUTHORIZING NEGOTIATION FOR THE
ACQUISITION OF TEMPORARY CONSTRUCTION AND PERMANENT
EASEMENTS FOR THE SW MARTINAZZI AVENUE PROJECT.

WHEREAS, the SW Martinazzi Avenue Project was approved by the City of Tualatin City Council as a funded capital improvement project; and

WHEREAS, the SW Martinazzi Avenue Project has been designed in a manner that is most compatible with the greatest public good and the least private injury; and

WHEREAS, for the purpose of the SW Martinazzi Avenue Project improvements, it is necessary for the City of Tualatin to acquire temporary construction and permanent easements over certain real property depicted on "Exhibit 1," which is attached hereto and incorporated herein; and

WHEREAS, construction of the SW Martinazzi Avenue Project is a public purpose for which the City is authorized by law to acquire interests in real property;

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

Section 1. The City Council finds that acquisition of temporary construction and permanent easements over the properties depicted in "Exhibit 1" in order to construct the SW Martinazzi Avenue improvements is required for a public need and is in the public interest.

Section 2. City staff is authorized to negotiate with the owners of the properties identified in "Exhibit 1" as to the just compensation to be paid to acquire the necessary easements.

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Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

Approved as to Form:

City Attorney



G:\PDX_Projects\11\1285\CAO\FIGURES\11-1285-202-OR-PIPELINE DISPLAY.dwg FIGURE 3 OPTIONS 11/28/2012 12:05 PM DKH 18.1s (LMS Tech)



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director
Cortney Cox, Court Administrator

DATE: 05/13/2013

SUBJECT: Consideration of Appointment of Brian Starns as Municipal Judge Pro Tem.

ISSUE BEFORE THE COUNCIL:

Should the City Council approve the appointment of Brian Starns Municipal Judge Pro Tem?

RECOMMENDATION:

Staff recommends the City Council approve Brian Starns as a Municipal Judge Pro Tem

EXECUTIVE SUMMARY:

The Tualatin Municipal Court schedule sets weekly arraignment and trial proceedings for traffic violations. Occasions arise when the Municipal Court Judge is unable to preside over these proceedings. When this occurs, It is essential to have a qualified list of judges pro tem available to cover a court session, if needed. Section 10 of the City's Charter addresses the appointment of additional officers of the City by the Council. This includes appointment of a municipal judge (includes pro tem). Staff seeks to add Brian Starns to the qualified list of judges pro tem. Mr. Starns is licensed to practice law in the State of Oregon and is a member in good standing with Oregon State Bar.

Attachments: [Attachment A- Starns Resume](#)

Brian M. Starns

EXPERIENCE:

Morris, Smith, Starns, Raschio and Sullivan P.C., Dec. 1998- present.

- Trial Attorney** Representing indigent as well as retained clientele in Misdemeanor, Felony and juvenile proceedings. Well-versed in all stages of defense including arraignments, pretrial hearings, motion practice and trials. Extensive courtroom experience in diverse areas: DUIs (including administrative hearings), drug possession/delivery, embezzlement/theft, felony assaults, juvenile delinquencies, probation violations, civil commitments and other criminal charges.
- Mentor for Hood River High School Internship Program
- Courthouse Safety Committee
- Supervisor/ mentor for new associate attorneys
- **Not Guilty** verdicts in numerous jury and court trials
- Featured cases/ trials in *The OCDLA Bulletin*

Lancaster County District Attorney, Lincoln, Nebraska July-Dec. 1998.

- Deputy District attorney as part of criminal clinic/certified law student program. Handled misdemeanor cases from arraignment to trial, and successfully prosecuted assault case with an uncooperative victim.
- received highest grade in the clinic.

Law Student Research Service, Director 1997-1998.

- Responsible for program designed to provide research services to attorneys throughout Nebraska and the U.S. Oversaw all managerial duties (payrolls, hiring, etc.), as well as assisting in editorial and content decisions of research projects.

EDUCATION:

University of Nebraska Lincoln College of Law Graduated May, 1998.

- Studies focused on trial practice, criminal law, and evidence
- Director: Law Student Research Service
- The Transcript*- Assistant Editor
- Criminal Law Clinic

University of Nebraska, Lincoln Joint Degrees Awarded Dec. 1994.

- Bachelor of Arts - English (Literature Emphasis)
- Bachelor of Arts - Psychology
- The Daily Nebraskan*- Book Reviewer
- *Earned degrees while working two jobs

INTERESTS: Book Collecting, Mountain Biking and Painting.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 05/13/2013

SUBJECT: Quarterly Financial Update

ISSUE BEFORE THE COUNCIL:

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

RECOMMENDATION:

No action is required by the Council.

EXECUTIVE SUMMARY:

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

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

Attachments: [Attachment A- PowerPoint](#)

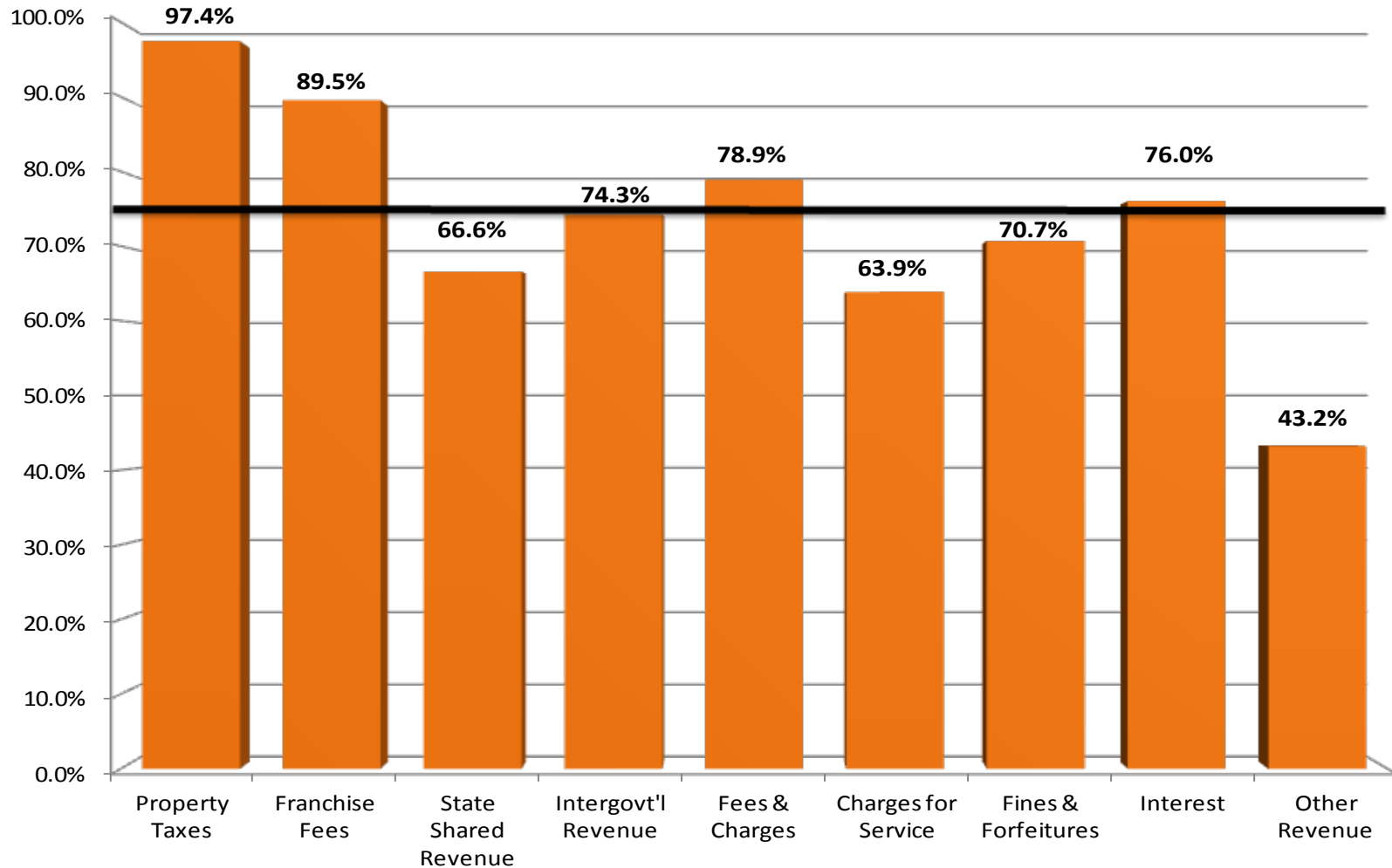


City of Tualatin

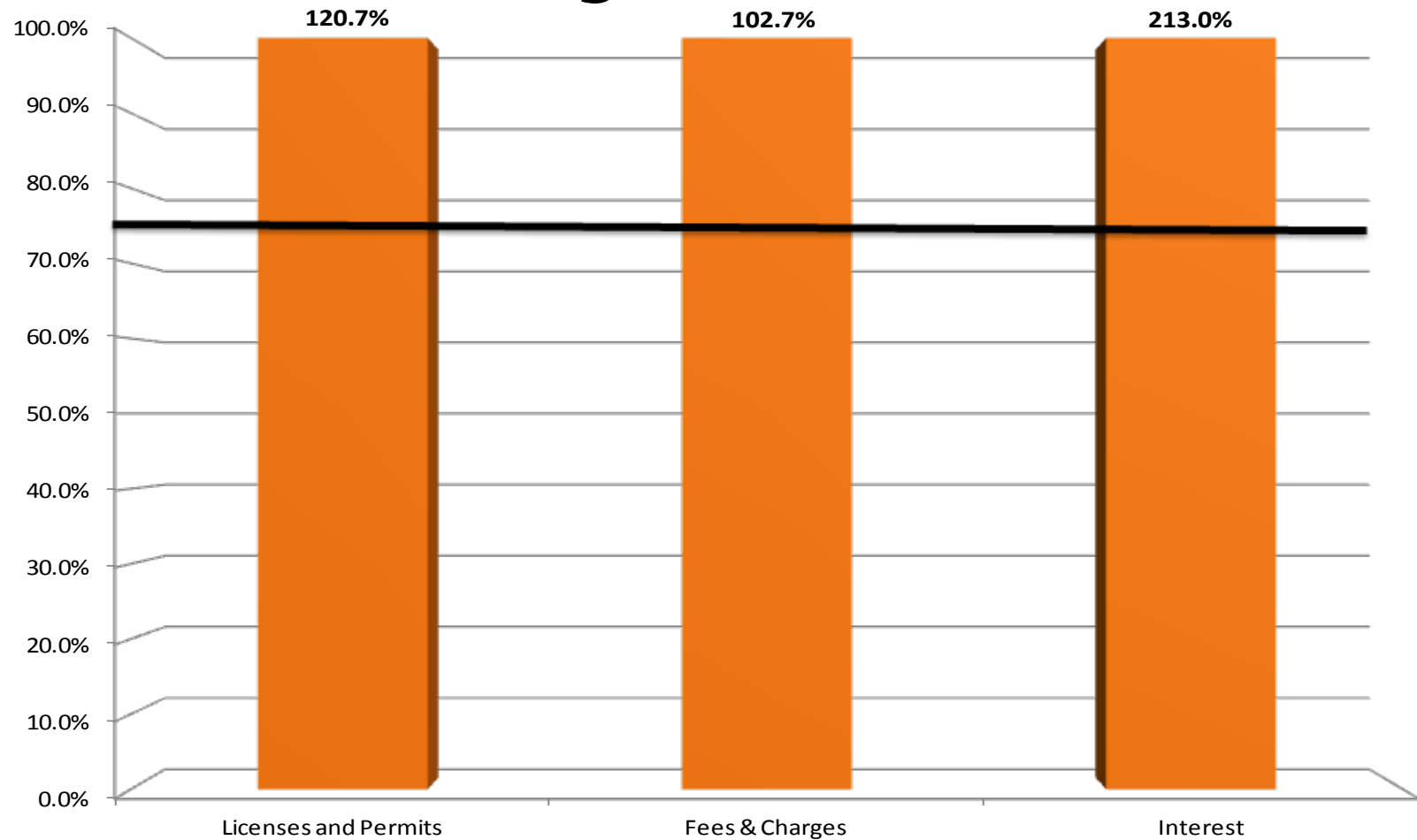
QUARTERLY FINANCIAL UPDATE

Fiscal Year 2012 – 2013
Third Quarter, ending March 31, 2013

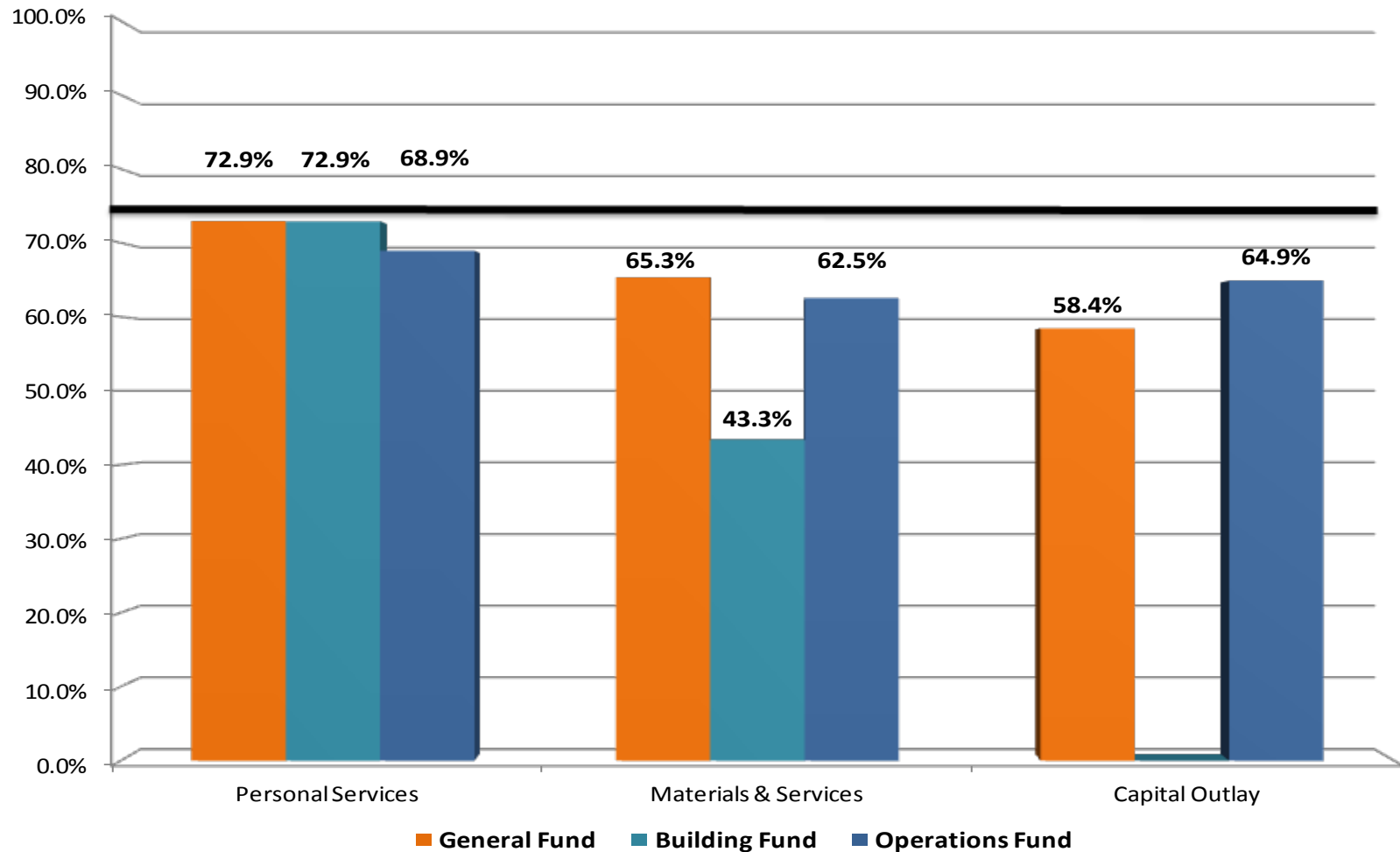
General Fund Revenue



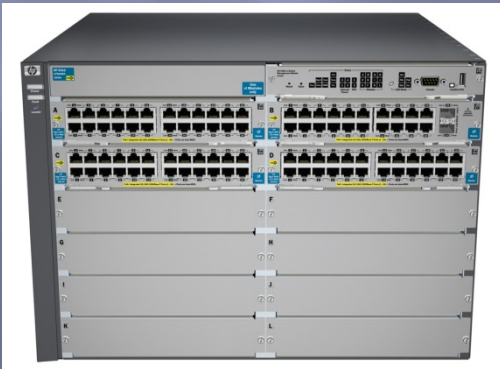
Building Fund Revenue



Operating Expenditures



Purchased Network Switches Using Grant from MACC



Attachment A

Replaced Police Vehicles



On-Line Recreation Registration

- ▣ Almost 100% of registrations done on-line

The screenshot shows the City of Tualatin website. The top navigation bar includes links for Residents, Business, City Services, and How Do I. Below this is a banner for Parks and Recreation featuring a night scene of a park with lights. A secondary navigation bar includes links for Parks and Facilities, Recreation and Special Events (circled in red), Juanita Pohl Center, Arts and Culture, and Resources. The main content area is titled "Red Cross Babysitter Training - 5/18/13". Below the title, a green bar contains the text "You must [login](#) or [register](#) to Sign up for this program.", with "register" circled in red. To the left is a photo of two children playing video games. To the right is a description of the training course. Below the photo, the date and time are listed as "Sat, 05/18/2013 - 10:00am - 4:45pm". The location is listed as "Van Raden Community Center, 8535 SW Tualatin Rd.". The pricing is listed as "\$75 Resident / \$94 Non-Resident". At the bottom right, there is a link to "Attachment A".

Residents Business City Services How Do I


Parks and Recreation

Parks and Facilities Recreation and Special Events Juanita Pohl Center Arts and Culture Resources

City of Tualatin Home > Red Cross Babysitter Training - 5/18/13

Red Cross Babysitter Training - 5/18/13

You must [login](#) or [register](#) to Sign up for this program.



Impress the parents you babysit for with the proper credentials! The Red Cross Babysitter Training Course can help you care for children and infants, make good decisions, keep the children you babysit for safe, handle emergencies such as injuries and illness, write resumes and apply for jobs, and much more! This course is designed for ages 11 and up. Bring a sack lunch.

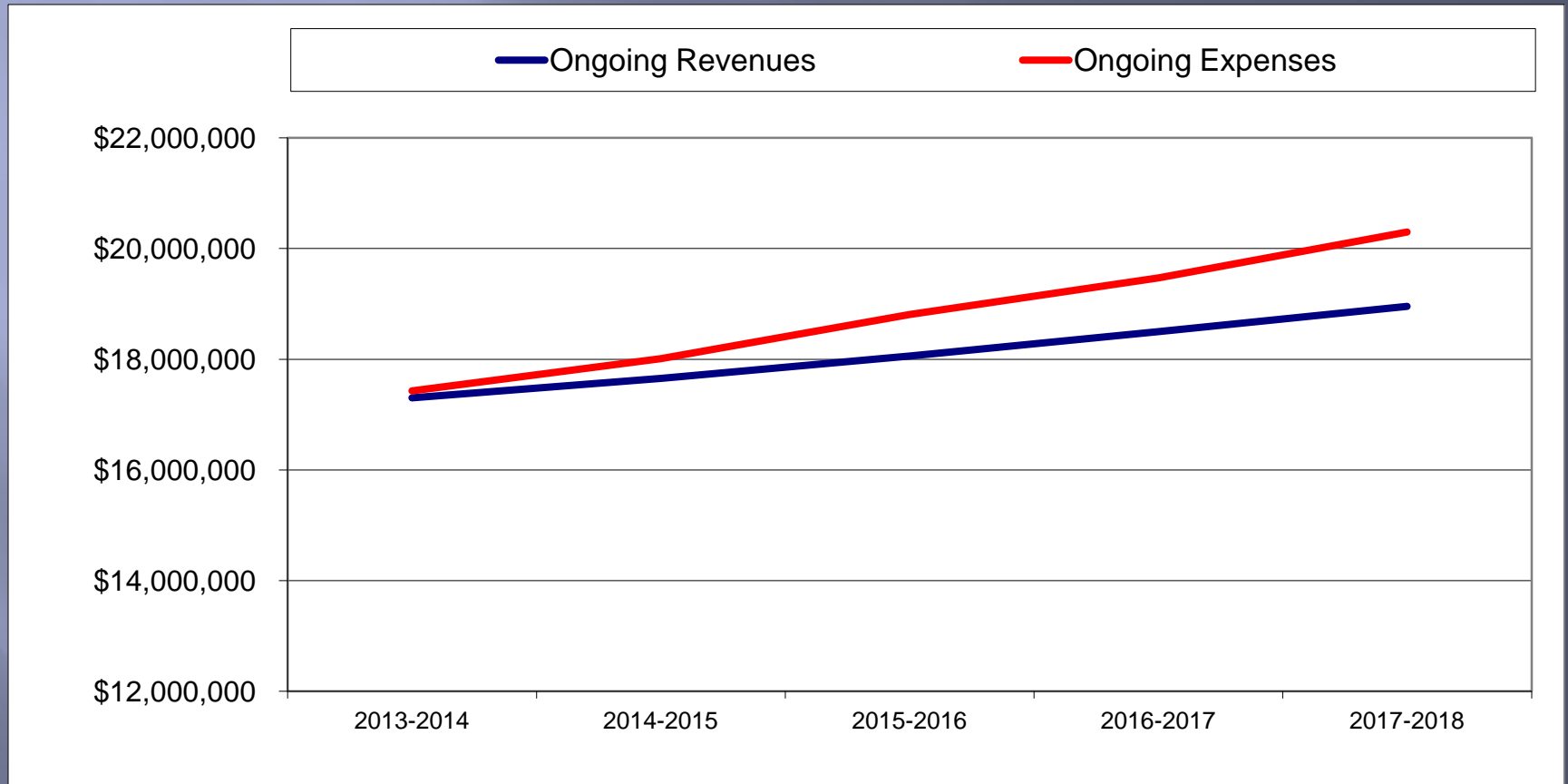
\$75 Resident / \$94 Non-Resident

Date/Time
Sat, 05/18/2013 - 10:00am - 4:45pm

Location
Van Raden Community Center, 8535 SW Tualatin Rd.

Attachment A

Fiscal Health Update



Fiscal Year 2013-14 Budget Process

- ▣ May 14th (6-8pm) – Tualatin Police Department
 - Delivery of Budget Message to Budget Committee and distribution of budget document
- ▣ May 29th (6-8pm) – Tualatin Police Department
 - Second Budget Committee Meeting
- ▣ June 24th – Budget Hearing/Budget Adoption

Summary

- ▣ Revenues and Expenditures in operating funds are tracking as expected, with Building Fund revenues exceeding estimates
- ▣ Expenditures include budgeted priorities
- ▣ Fiscal Year 2013-14 Budget Committee Meetings Beginning



City of Tualatin
Attachment A



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Colin Cortes, Assistant Planner
Alice Cannon Rouyer, Assistant City Manager

DATE: 05/13/2013

SUBJECT: Consideration of Resolution No. 5138-13 a Conditional Use Permit for Tualatin Animal Clinic to Allow a Veterinary Clinic with Practice Limited to Small Animals in the Central Commercial (CC) Planning District at 8700 SW Cherokee Street (Tax Map 2S1 23AA, Tax Lot 01000) (CUP-13-02)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of a conditional use permit for Tualatin Animal Clinic to allow a veterinary clinic with practice limited to small animals in the Central Commercial (CC) Planning District at 8700 SW Cherokee Street (Tax Map 2S1 23AA, Tax Lot 01000).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution granting Conditional Use Permit 13-02.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 0.34 acres at 8700 SW Cherokee Street (Tax Map 2S1 23AA, Tax Lot 01000).
- A Vicinity Map is included as Attachment A.
- The applicant is Tualatin Animal Clinic, P.C., owned and operated by Arthur Ghitea, and the subject property owners are Michael & Linda Gehlen.
- The property is located within the boundaries of the Tualatin [Town Center](#), Central Urban Renewal District ([CURD](#)) Block 23 as Tualatin Development Code (TDC) [Map 9-3](#) illustrates in Attachment G, and the Central Commercial (CC) Planning District.
- A "veterinary clinic with practice limited to small animals" is a conditional use within the CC Planning District pursuant to TDC [53.050](#)(10).
- The applicant proposes to relocate the existing business Tualatin Animal Clinic, a veterinary clinic with practice limited to small animals, to the subject property from its present location one block east at 8575 SW Tualatin Road. (The clinic received

conditional use approval for its present location through CUP-85-01 via Resolution Number 1549-85 on March 11, 1985.) Regarding outdoor site improvements, the applicant proposes to repave and fill in cracks in the existing asphalt parking lot and install a fence to enclose an off-leash area in the southwest yard. (Refer to the text and photos on pages 6 and 11 of the application materials in Attachment B.)

- The applicant conducted two neighborhood/developer meetings on March 27, 2013 at 10 a.m. and 5 p.m. to explain the proposal to neighboring property owners and to receive comments. Five attendees signed in for the 10 a.m. meeting, and no one besides City staff attended the 5 p.m. meeting. The morning meeting summary is on page 25 of the application materials. Staff and the applicant had a pre-application meeting on February 21, 2013.
 - The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment B).
 - Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment C). An Engineering Division Memorandum addressing transportation and other public facilities associated with the proposed CUP is included (Attachment D).
 - The Engineering Division memorandum dated April 11, 2013 regarding the transportation analysis does not identify vehicle trip generation as a concern. Further information is available in the Engineering Division Memorandum (Attachment D).
 - The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the RML Planning District include TDC:
 - Chapter 6 “Commercial Planning Districts”, Section 6.030 Objectives
 - Chapter 32 “Conditional Uses”, Section 32.030 Conditional Uses – Siting Criteria; and
 - Chapter 53 “Central Commercial Planning District (CC)”, Section 53.010 Purpose.
 - Clean Water Services (CWS) submitted written comment of no objection to the application (Attachment E). As of this writing, no other notified agency has commented on the application.
 - Before granting the proposed CUP, the City Council must find that the use is allowed as a conditional use in the subject planning district and the application submittal meets the five criteria listed in TDC [32.030](#). The Analysis and Findings (Attachment C) examines the application with respect to the criteria for granting a CUP.
 - Based on the application and the Analysis and Findings (Attachment C), Tualatin Animal Clinic (CUP-13-02), a veterinary clinic with practice limited to small animals, meets the criteria of TDC 32.030.
 - If approved, staff recommends conditions of approval, which would run with the property, not the owner:
1. 1. Off-Street Parking: Prior to the City Building Division issuing a certificate of occupancy (CO), the applicant shall submit for Architectural Review ([AR](#)) to bring off-street parking into conformance with the off-street parking standards in Tualatin Development Code (TDC) [73](#).
 2. General: The applicant shall operate the use consistent with all application materials submitted to the City on March 28, 2013.
 3. General: The applicant shall comply with all applicable [TDC](#) policies and regulations.

OUTCOMES OF DECISION:

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

1. Allows the applicant to have on the subject property the use of a veterinary clinic with practice limited to small animals.
2. At its next meeting, the Council approves Resolution Number 5138-13.

Denial of the CUP request will result in the following:

1. Precludes the applicant from having on the subject property the use of veterinary clinic with practice limited to small animals.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Approve the proposed Conditional Use Permit (CUP) with conditions that the Council deems necessary.
2. Deny the request for the proposed CUP with findings that state which criteria in Tualatin Development Code 32.030 the applicant fails to meet.
3. Continue the discussion of the proposed CUP and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

The Fiscal Year 2012/13 budget allocated revenue to process current planning applications, and the applicant submitted payment per the City of Tualatin Fee Schedule to process the application.

Attachments: Conditional Use Hearing Guidelines
 A. Vicinity Map
 B. Application Materials
 C. Analysis and Findings
 D. Engineering Division Memorandum
 E. Agency Comments
 F. TDC Map 9-3 Central Urban Renewal Area
 G. Slide Presentation

QUASI-JUDICIAL HEARINGS

CONDITIONAL USE HEARING – CITY COUNCIL

The State Legislature requires the following information to be read: [ORS 197.763(5) and (6) and ORS 197.796(3)(b)].

1. 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 requirements of this Code relative to the proposed use are satisfied and that the proposed use also satisfies the following criteria [TDC 32.030]:
 - a. The use is listed as a conditional use in the underlying planning district.
 - b. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features.
 - c. 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.
 - d. 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.
 - e. The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.
2. Testimony and evidence must be directed toward the above criteria or those criteria in the Development Code which you believe apply to this decision.
3. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing.
4. Unless there is a continuance, before the conclusion of the initial evidentiary hearing a participant may request, before the hearing is closed, that the record remain open for at least seven days after the hearing.
5. Failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

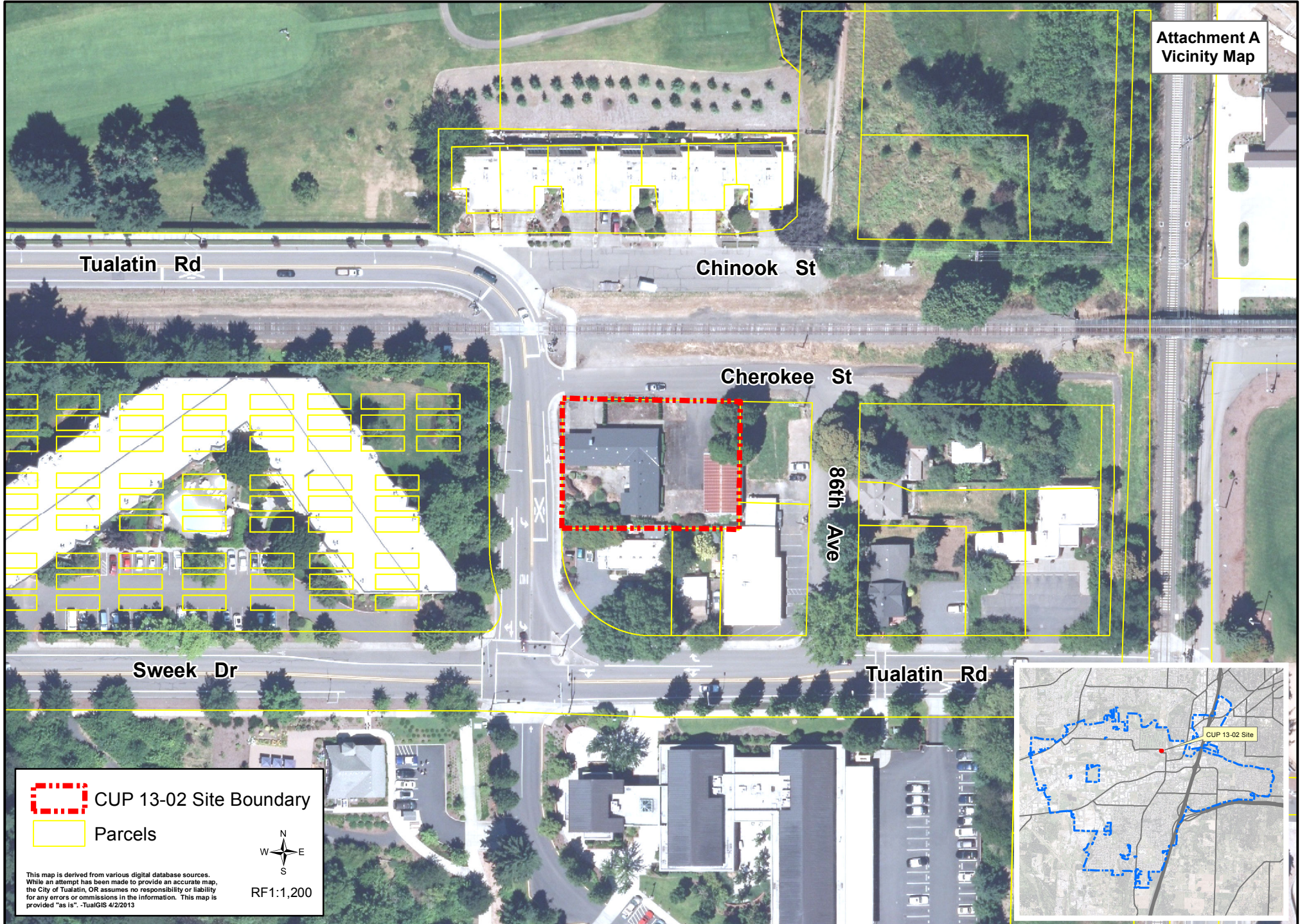
The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow this Council to respond to the issue precludes an action for damages in circuit court.

6. The hearing will begin with a presentation of the City staff report followed by testimony on behalf of the applicant and supporters of the applicant. Next follows the evidence against the application. Rebuttal will then be permitted. After evidence is received the hearing will be closed and the Council will deliberate towards a decision. Any tentative decision will be reduced to a final written decision and adopted by the Council, usually at its next meeting.
7. If any Council members wish to announce any potential conflict of interest, bias or ex parte contact, they should do so now.

CUP 13-02: Tualatin Animal Clinic

8700 SW Cherokee St TLID: 2S123AA01000

Attachment A
Vicinity Map





City of Tualatin

www.ci.tualatin.or.us

"NECESSARY PARTIES"
MARKED BELOW

NOTICE OF APPLICATION SUBMITTAL

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

CASE/FILE: CUP-13-02

(Community Development Dept.: Planning Division)

| | |
|-----------------|--|
| PROPOSAL | To relocate Tualatin Animal Clinic from 8575 SW Tualatin Road to the vacant former house at 8700 SW Cherokee Street within the CC Planning District in which "Veterinary Clinic with practice limited to small animals" is a conditional use pursuant to Tualatin Development Code (TDC) 53.050(10). |
|-----------------|--|

| | | |
|-----------------|--|--|
| PROPERTY | Street Address | 8700 SW Cherokee St |
| | <input type="checkbox"/> n/a Tax Map and Lot No(s). | 2S1 23AA 01000 |
| | Planning District | Central Commercial (CC) |
| | Related Applications | AR-74-06, AR-80-18, AR-85-34, & AR-99-13 |

| | | | | |
|--------------|--|-----------|----------------|--|
| DATES | Receipt of application | 3/28/2013 | CONTACT | Name: Colin Cortes |
| | Notice of application submittal | 4/2/2013 | | Title: Assistant Planner |
| | Project Status / Development Review meeting | 4/18/2013 | | E-mail: ccortes@ci.tualatin.or.us |
| | Comments due for staff report | 4/18/2013 | | Phone: 503-691-3024 |
| | Public meeting: <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a | | | Notes: |
| | City Council (CC) <input type="checkbox"/> n/a | 5/13/2013 | | |

City Staff

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

Neighboring Cities

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

- ☐ Wilsonville Planning Div.

Counties

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

Regional Government

- ☐ Metro

School Districts

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

State Agencies

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

Utilities

- ☒ Allied Waste Services

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

Additional Parties

- ☒ Tualatin Citizen Involvement Organization (CIO)
☐

Attachment B
Application Materials



City of Tualatin

www.ci.tualatin.or.us

APPLICATION FOR CONDITIONAL USE

Community Development Department - Planning Division
18880 S.W. Martinazzi Avenue
Tualatin, OR 97062
503-691-3026

Case No. CUP-13-02
Fee Rec'd. \$1365.00
Receipt No. 558603
Date Rec'd. 3-28-13
By AS

PLEASE PRINT IN INK OR TYPE

Code Section 53.050 (10) Conditional Use to allow Veterinary Clinic

Planning District _____

Owner's Name Michael & Linda Gehlen Phone 503-642-4222

Owner's Address 7940 SW 191st Ave Beaverton OR 97007
(street) (city) (state) (ZIP)

Owner recognition of application: Michael P. Gehlen Linda J. Gehlen
Michael P. Gehlen Linda J. Gehlen
signature of owner(s)

Applicant's Name Arthur Whitea (Tualatin Animal Clinic) Phone 503-453-5117

Applicant's Address 4968 Suntree Lane Lake Oswego OR 97035
(street) (city) (state) (ZIP)

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

Contact person's name Mike Han Phone 503-929-1305

Contact person's address _____
(street) (city) (state) (ZIP) humblehan0413@gmail.com

Assessor's Map Number R0530768 Tax Lot Number(s) 2S123AA-01000

Address of Property 8650 SW Cherokee Street Lot Area .33 acres

Existing Buildings (Number and Type) _____

Current Use Previously a Dental School

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

Name Arthur Whitea Date 3-15-2013 Phone 503-453-5117
Address 4968 Suntree Lane Lake Oswego OR 97035
(street) (city) (state) (ZIP)

Arthur Whitea

**Conditional Use Application Summary Information for
Tualatin Animal Clinic: Purchase of Property for Veterinary Practice**

| | |
|------------------------------------|--|
| Applicant: | Arthur Ghidea Owner/Operator 4968 Suntree Lane Lake Oswego, OR 97035 E-mail: a_ghidea@hotmail.com |
| Property Address: | 8650 SW Cherokee St Tualatin, OR 97062 |
| Property Owner: | Michael and Linda Gehlen PO Box 458 Tualatin, OR 97062 |
| Legal Description: | See page 3 of Application |
| Current Zoning: | Central Commercial Planning District (CC) Conditional Uses- (10) Veterinary Clinic with practice limited to small animal. [Ord. 585-82, Ord. 635-84 §22, 6/11/84; Ord. 643-84 §1, 9/10/84; Ord. 656-85 §2, 2/11/85; Ord. 1026-99 §57, 8/9/99] |
| Applications Submitted for: | Conditional Use Approval (Pre- App was held on February 21 st , 2013) |

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Section 1: General Introduction

Project Description

Tualatin Animal Clinic is seeking a Conditional Use Approval from the city of Tualatin to operate an existing veterinary clinic at the address of 8650 SW Tualatin Rd, Tualatin, OR 97062. The location sits at the intersection of Tualatin Road and Cherokee Street. The location is not in the immediate vicinity of residential homes and is geographically separated from surrounding businesses. The site is located at the end of Cherokee Street and runs along Tualatin Road.

Legal Description

2S123AA-0100 (Parcel #R530768)

Full Legal Description per Title Report

Beginning at a point on the North line of Block 2, South Tualatin, said point being South 89°43' West 319.7 feet from a point on the East line of Section 23, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, and South 978 feet from the corner of Section 13, 14, 23 and 24, Township 2 South, Range 1 West of the Willamette Meridian; thence South 2°31' West, 45.9 feet; thence North 89°43' West 8 feet to a point 46 feet West of the East line of said Block; thence South 8°23' West, 54.8 feet; thence South 89°42' West, 146 feet to the West line of said Block 2; thence North 100 feet on said West line to the Northwest corner of said Block 2; thence East on the North line of said Block 2, a distance of 164 feet to the place of beginning. Said parcel being all of the North one-half of Block 2, South Tualatin, saving and excepting that portion heretofore conveyed by Potter to Mathews by Deed recorded in Book 87, page 507, Washington County Deed Records.

EXCEPTING THEREFROM the following: Beginning at a point on the North line of Block 2, South Tualatin, said point being South 89°43' West 319.7 feet from a point on the East line of Section 23, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, which point is 36.00 feet West of the Northeast corner of said Block 2; thence South 1°06' West, along the West line of that certain tract of land described in Book 87, page 507, Deed Records, a distance of 45.86 feet; thence South 88°36' West, parallel with the North line of Block 2, a distance of 6.00 feet; thence North 1°24' West, parallel with the East line of Block 2, a distance of 45.83 feet to a point in the North line of Block 2; thence North 88°36' East, 8.00 feet to the point of beginning.

INCLUDING ALSO, the following: Beginning at a point on the East line of Block 2, South Tualatin, said point being South 89°43' West 319.7 feet from a point on the East line of Section 23, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tualatin, County of Washington and State of Oregon, which point is 100 feet South of the Northeast corner of said Block 2; thence South 88°36' West, along the South line of that certain tract of land described in Book 87, page 507, Deed Records, a distance of 44 feet, which is the true point of beginning; thence North 1°24' West, a distance of 54.17 feet to a point; thence South 88°36' West, a distance of 2 feet, to a point; thence South 7°00' West, a distance of 54.76 feet to a point on the North line of that certain tract of land described in Book 87, page 507, Deed Records; thence Easterly a distance of 10 feet to the true point of beginning.

Section 1: General Introduction

Project Description Continued...

Tualatin Animal Clinic is interested in purchasing and relocating our existing location in spring of 2013 to 8650 SW Cherokee Street, Tualatin, OR 97062. The clinic will have operating hours of 7 am to 7 pm, Monday through Friday, 8 am to 4 pm Saturday and closed Sunday. The clinic is a small animal practice and only treats dogs and cats ranging in sizes from 1-lb to 120-lb. Occasionally we may examine dogs that can weigh up to 189-lbs. The new location will provide a safer and larger facility for our patients and allow our staff to operate more efficiently. The clinic will function as a traditional veterinary practice with future plans for a self-service pet wash station on site.

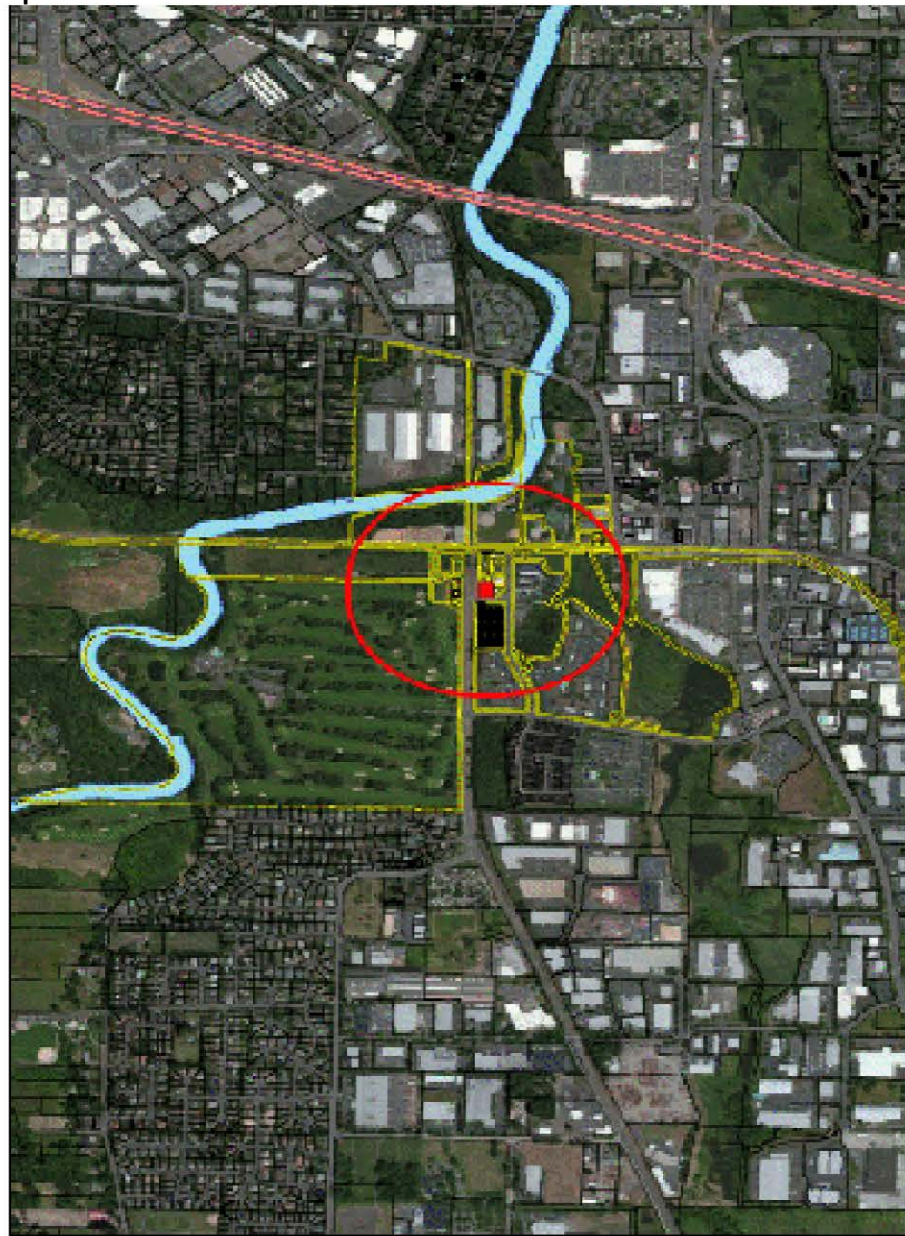
Due to the broad range of operating hours, the applicant expects a steady flow of patients throughout the day. The applicant believes that with the successful purchase of this property, the practice could potentially grow by 5-10% yearly. With the projected growth, the practice is fully prepared to take on the additional business. The practice would expect the peak occupancy at any one time to be no more than 8-9 patients and 8 staff members, including doctors.

The frequency of patient visits will vary throughout the day. A majority of patients are dropped off for surgical procedures between the hours of 7:30 am and 9:30 am, Monday through Friday. The examination timeframe per patient is usually between 10 to 30 minutes.

Pet owners interviewed are excited for the move and about 20% are within walking distance. For the remaining 80% who drive, the move will improve Tualatin Animal Clinic's parking situation. The proposed maintenance to the future parking site will provide our pet owners with more adequate and accommodating parking spaces.

Figure 1. Vicinity Map

8650 SW Cherokee Street | 2S123AA TL 1000 | Tualatin, OR 97062



Scale:
0 500 1000
Feet

WPG National Title Insurance Company
a subsidiary of WPG Financial Group

Customer Service Department
10000 SW 1st St., Suite 200
Miami, FL 33155
Phone: 800-800-1111
www.wpgtitle.com

Figure 2. Rendered photo of proposed maintenance (re-pave and fill cracks) to existing parking

- A- From shed door to subject property lot is 33 feet
- B- From end of shed to subject property it is 44.5 feet
- C- From road to shed it is 25 feet
- D- From end of shed to Gravel it is 28 feet
- E- From end of subject property to walkway it is 33 feet



Figure 3. Rendered photo of proposed maintenance (re-pave and fill cracks) to existing parking (continued)...



Figure 3. Rendered photo of proposed fenced area

- A- From proposed gate to end of fence it is 64 feet

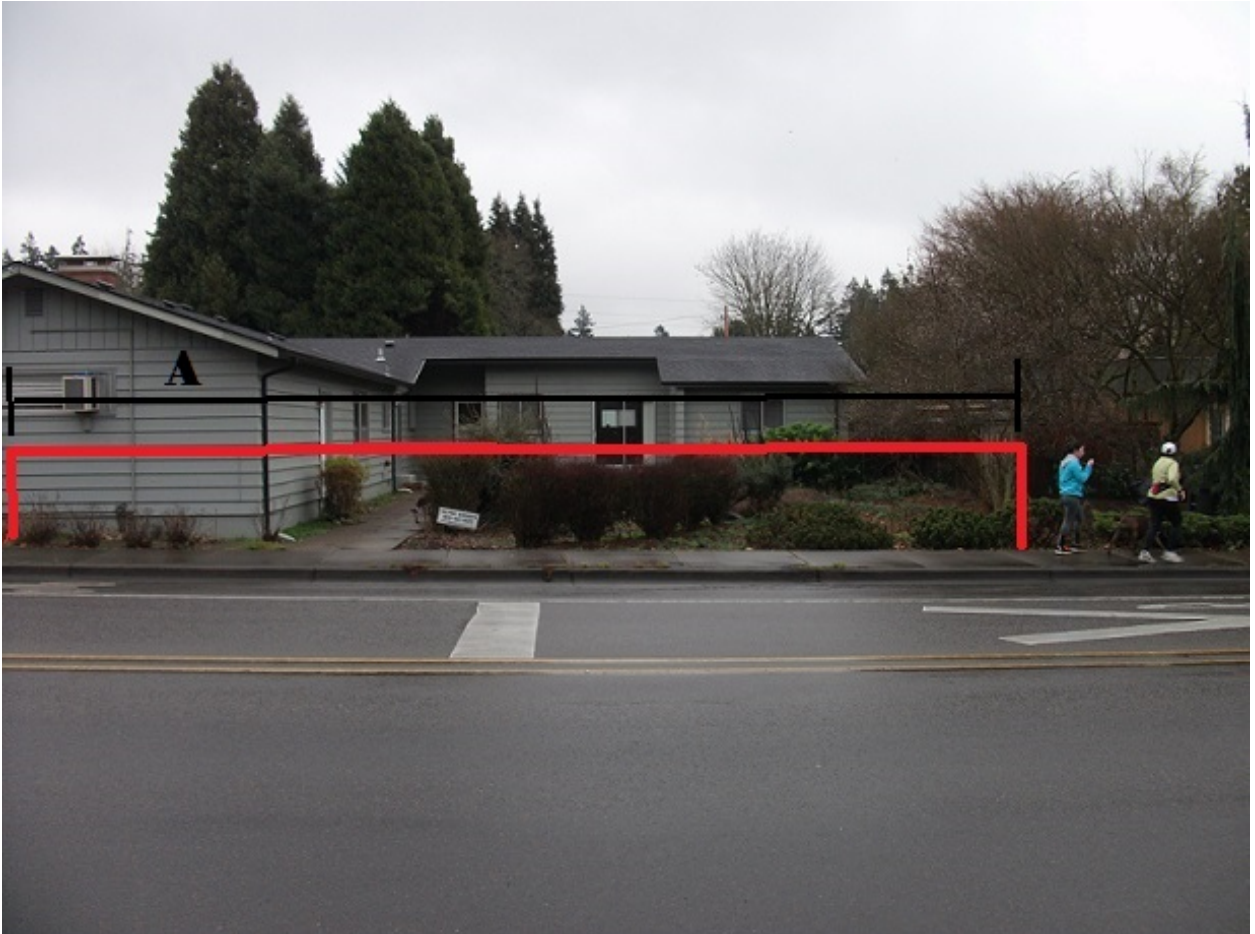


Figure 3. Rendered photo of proposed fenced area (cont....)

- B- From edge of existing fence to end of Figure A fence it is 36 feet



Figure 3. Rendered photo of proposed fenced area (cont...)

- Breakdown of 64x36 foot fence. Interior looking out



Figure 3. Rendered photo of proposed fenced area (cont...)

- AERIAL VIEW



Section 2: Criteria for review of conditional uses

This section of the application contains responses that illustrate how this conditional use request conforms to the applicable standards and regulations of the city of Tualatin's Development Code. Only code text that contains applicable approval criteria or otherwise requires a response related to the requested conditional use actions has been included. Code text is shown in italic type.

Section 32.030 (1) The use is listed as a conditional use in the underlying planning district (Central Commercial)

Response: Per TDC 53.050(10), Veterinary Clinics with practice limited to small animals are conditional uses within the Central Commercial zoning. The use proposed by the applicant is a direct reflection of the city code for limited to small animals.

Section 32.030 (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 applicant's proposed use related to the subject property he intends to purchase. The site and location are ideal for the clinic because of its close proximity to the previous clinic (less than 2 city blocks and about 150 feet away). Another attractive feature of this location is the ability to upgrade the clinic's current congested parking situation, as well as provide a safe patio area. Occasionally, pets may be leash-walked on the patio area without concern of them running onto a busy street. The size of the new building is ideal for the proposed use allowing larger rooms and access for both clients and staff. With 2,800 square feet of usable space, it supersedes our current location of 1,300 square feet. The proposed use of the space will not increase the number of plumbing fixtures or electrical service to the site due to the fact that the property was used as a dental hygiene school in the past. This will allow Tualatin Animal Clinic to use the current plumbing for our own dental units as well as use the existing restrooms. There will be no significant changes made to the exterior of the building or the existing site improvements, with the exception of the proposed fenced patio area and exterior signage addition to be placed where the real estate sign sits (currently, there is no sign). There will be a plan to paint the subject property within the next 24 months. The topography, existence of improvements and natural features are not altered or affected by the proposed purchase and use of the property by the applicant.

Section 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Response: This application is requesting approval to use space within an existing property. The location was selected by the applicant because of the existing transportation system (about a quarter mile from Tri Met WES station), and the street access of both Cherokee Street and Tualatin Road. The new location will also meet some of the long range planning goals by encouraging and promoting walking commuters and Tualatin dog park users.

Section 32.030 (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 use of the space as a veterinary clinic will enhance the surrounding area by occupying a currently vacant property. The use will also provide a long term stable business to the property. Tualatin

Animal Clinic has been in business for 40 years with a great reputation. The operating hours and dual access to the clinic from Cherokee Street and Tualatin Road allow for less congestion of traffic compared to our current location which allows access to parking from Tualatin Road only. Appointments do not begin until 8:30 am and surgical drop-offs are taken from 7:30 am - 9:30 am. The relocation will not alter the surrounding area. Due to the exceptional history of the current business, the applicant believes that no surrounding businesses or residences will be adversely affected.

Section 32.020 (5) The proposed use will satisfy objectives and policies of the Tualatin Community Plan.

Response: The presence of the clinic will lead to less congestion on Tualatin Road by allowing clients to drive onto an actual street (Cherokee Street) before parking. The proposed use of the clinic will likely require the hiring of 2-3 more assistants/technicians. With goals to promote walking commuters, Tualatin Animal Clinic also plans to encourage its clients to use the Tualatin Dog Park located less than half a mile away. The applicant overall does not believe the move to the proposed property will restrict, limit, or damage existing businesses or future businesses intending to occupy the area.

Section 3: Exhibits

A. Proposed Floor Plan and Use



Copy of the Notice

March 11, 2013

Re: Tualatin Animal Clinic development at 8650 SW Cherokee St., Tualatin, OR

Dear Property Owner:

First and foremost we would like to thank you and the community for all your continued support in the 20+ years that Tualatin Animal Clinic has been in business.

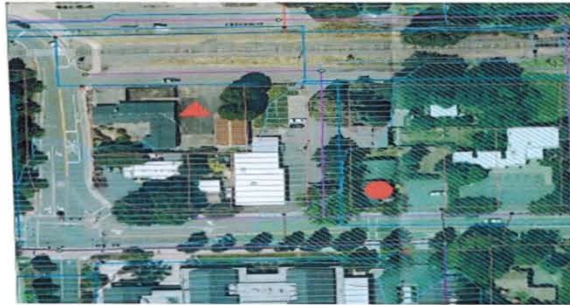
You are cordially invited to attend a meeting on March 27 at 10 AM. This meeting will be held to discuss a proposed move to 8650 SW Cherokee St., Tualatin, OR 97062. The proposal involves a plan to move our veterinary business to 8650 SW Cherokee St, Tualatin, OR 97062 (less than a block away and about 3 houses down). We have done extensive research in making sure all issues are addressed. We would love to hear from our neighbors and community members and address any concerns they may have.

The purpose of this meeting is to provide information about the conditional use permit application to the City as well as site improvements and identify any issues which may arise.

In the attached map you will see the current location and route of new location:

▲
Project
Property

●
Current
Place of
Business



Regards,

Arthur Ghitea
Tualatin Animal Clinic

CUP-13-02

To lessen the bulk of the notice of app and to address the worries of some Tualatin residents about online land use application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

Notarized Affidavit of the Mailing

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

I, Arthur Chitea, being first duly sworn, depose and say:


That on the 11th day of March, 2013, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 11th day of March, 2013.





Notary Public for Oregon
My commission expires: 9/06/14

RE: _____



NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF POSTING IN PUBLIC PLACES

RE: _____

Copy of Sign in sheet(s)

Tualatin Animal Clinic
Neighborhood/Developer Meeting for Conditional Use Permit
8650 SW Cherokee Street
Tualatin, OR 97062

10 am

| NAME | PHONE | ADDRESS | SIGNATURE |
|-----------------|-----------------|------------------------------------|-----------------|
| Carol Cesnalis | 503 692-4761 | 8675 SW Chinook St. Tualatin | Carol Cesnalis |
| Carrie Kelly | 503 691-1155 | 8720 SW Tualatin Rd. #309 | Carrie Kelly |
| Dolores Hurtado | 503-691 2468 | 8685 S.W. Chinook St. | Dolores Hurtado |
| Carol Dersham | 503-612 1984 | 8720 SW Tualatin Rd. #302 | Carol Dersham |
| John Cesnalis | 503 692 4761 | 8675 SW Chinook | John Cesnalis |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Meeting Notes

Tualatin Animal Clinic
Meeting Notes for Neighborhood/Developer Meeting
8650 SW Cherokee Street
Tualatin, OR 97062

| <u>Question/Comments</u> | <u>Response</u> |
|--|---|
| <u>10 AM Meeting</u> | |
| 1. More parking- Delores Hurtado, Candice Kelly | Satisfied after discussion |
| 2. Are you Boarding Animals?- Delores Hurtado | Satisfied after answer of "no" |
| 3. Whats your estimated Timeline of new facility (Candice Kelly) | Owners more curious then concerned |
| 4. Use of shed(Carol Cesnalis) | Satisfied with possible Self-service pet wash |
| 5. Long term development plan for block (Delores Hurtado) | N/A |
| 6. What is going to happen to yellow house next to old clinic? (Delores Hurtado) | N/A |

There were no attendees for the 5pm meeting- Notes are not applicable

Tualatin Animal Clinic
 Neighborhood/Developer Meeting for Conditional Use Permit
 8650 SW Cherokee Street
 Tualatin, OR 97062

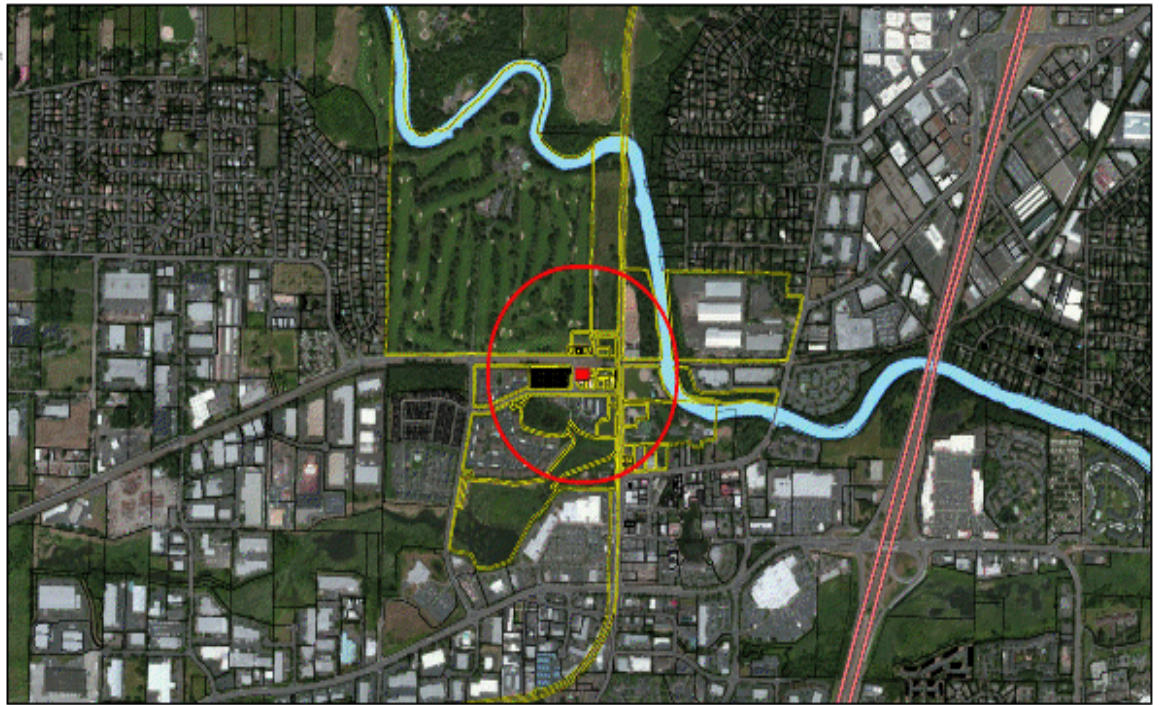
SPM

| NAME | PHONE | ADDRESS | SIGNATURE |
|-----------------------|-------|---------|-----------|
| Colin Cortes (CoT) | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

C. Notification Support: Vicinity and Assessors Maps

8650 SW Cherokee Street | 2S123AA TL 1000 | Tualatin, OR 97062

-  1000 ft Buffer
-  Subject Property
-  Properties within 1000 ft



WFG National Title Insurance Company
a Welltower Group company

Customer Service Department
12500 SW Sixth Parkway, Suite 300
Portland, OR 97220
(503) 650-1700 cs@wfgnationaltitle.com

0 500 1,000 2,000 Feet

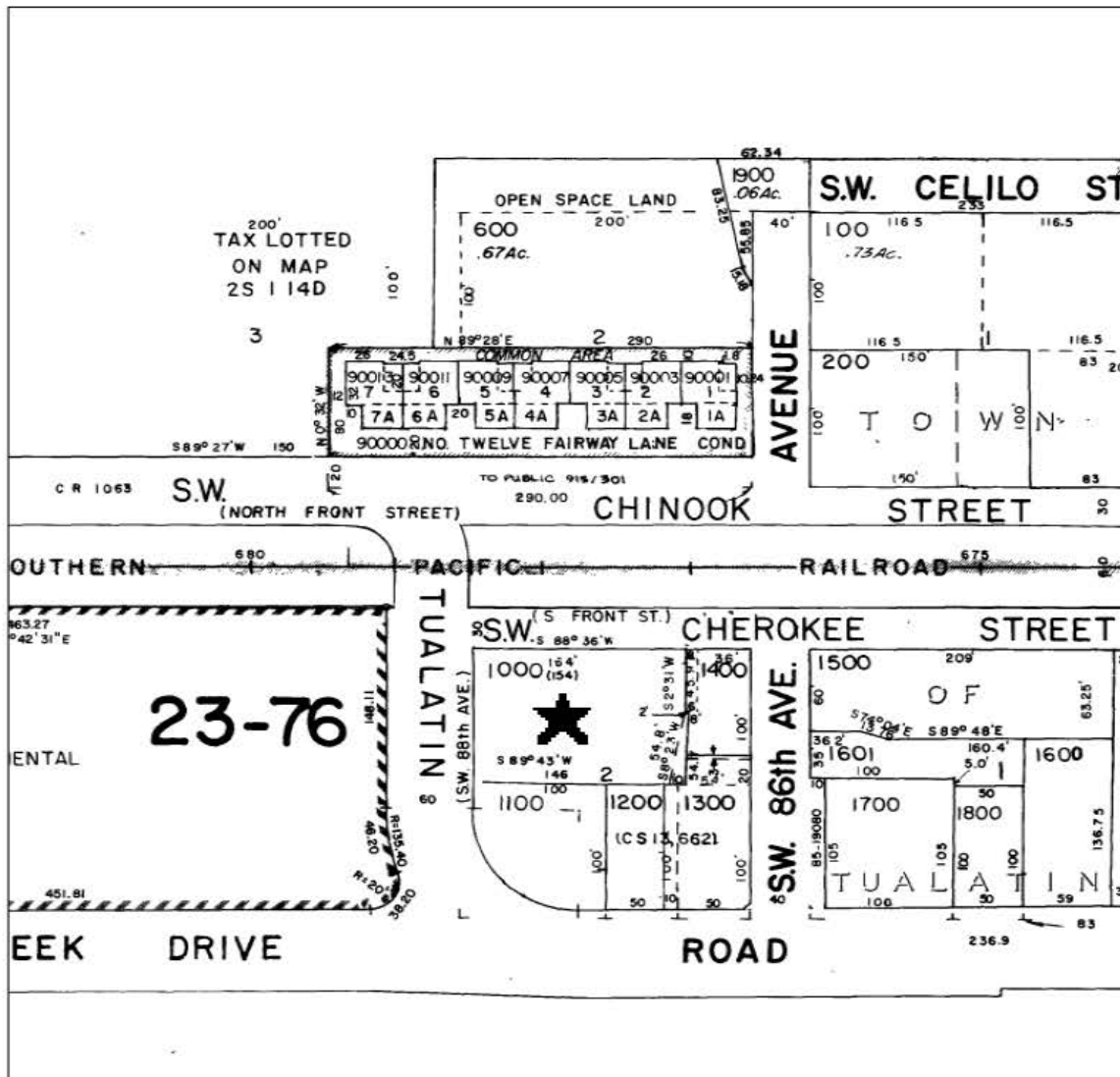




WFG National Title
Title Department
12909 SW 68th Pkwy # 350
Portland, OR 97223
Phone: 503.431.8500
Fax: 503.684.2978



Parcel #: R0530768 / 2S123AA 01000



This map is a copy of public record and is provided solely for informational purposes. WFG National Title assumes no liability for variations, if any, in dimensions, area or location of the premises or the location of improvements.

D. Traffic Information

- *Applicants own traffic study, copy of originals of study notes, e- mail from Tony regarding professional traffic study not being required.*

Tualatin Animal Clinic 2-day Traffic Count

Saturday February 23rd, 2013

Traffic Count

Clinic hours- 8am-4pm

Total number of cars passing through from 7:57am - 2:47pm

= 36

Total number of cars from 7am-9am

= 3

Total number of cars from 9am-12pm

= 15

Total number of cars from 12pm-4pm

=18

Total number of clients for PICK UP ONLY (medications, paying a bill, inquiring about services, food)

= 15

Total number of clients for appointments

=18

Total number of clients who came for appointments and services required them to return later in day

=2

Miscellaneous drop ins/ drop offs (cremation services, supplies, Product reps)

=1

Average time of clients in clinic

Total time of clients in clinic added up= 508

/

36

= 14.1 minutes

(a vast majority of clients were only in clinic for no more then 5 minutes but i also accounted for some appointments lasting longer then 30minutes)

Direction of clients coming to clinic

South (with flow of traffic not having to cross any oncoming traffic) = 29

West (causing clients to turn left into parking lot crossing oncoming traffic = 7

Monday February 25th, 2013

Traffic Count

Clinic hours- 7am-6pm

Total number of cars passing through from 7:33am - 5:11pm

= 35

Total number of cars from 7am-9am

= 7

Total number of cars from 9am-12pm

= 13

Total number of cars from 12pm-4pm

=15

Total number of clients for PICK UP ONLY (medications, paying a bill, inquiring about services, food)

= 8

Total number of clients for appointments

=21

Total number of clients who came for appointments and services required them to return later in day

=4

Miscellaneous drop ins/ drop offs (cremation services, supplies, Product reps, lab pick up)

=2

Average time of clients in clinic

Total time of clients in clinic added up= **596**

/

35

= **17.05** minutes

(a vast majority of clients were only in clinic for no more then 8 minutes but i also accounted for some appointments lasting longer then 30minutes)

Miscellaneous Traffic-

Garbage pickup- Mondays 7-8am (no time spent in clinic)

Recycle Pick up- Fridays 7-8am (no time spent in clinic)

Antech lab pick up- 12-1pm and 6-7pm (daily except sundays) (12-1pm rep spends less then a minute, 6-7pm does not come in clinic)

Hills Food order- 7-8am (tuesdays) (spends 15-20 minutes unloading food in clinic)
(parks on 86th)

Supplies drop off- 12-3pm (wed&thur) (spends no more then 5 mins unloading) (parks either off 86th or in parking lot)

Monday
~~Saturday~~
 February 25th, 2013

| Client | Time | Time in clinic | # Of cars | Reason | Return time |
|-------------|----------|----------------|-------------|--------------------|-----------------------|
| ↓ Graybeal | 7:57 am | 4:00 mins | 1 | Pick up | |
| ↓ Sykes | 8:30 am | 6 mins | 1 | Pick up | |
| ↓ Esterberg | 8:58 am | 10 mins | 1 | Appt | |
| ↓ Southard | 9:18 am | 45 mins | 1 | Appt | |
| ↓ Wolf | 9:31 am | 5 mins | 1 | Pick up | |
| ↓ Crowley | 9:35 am | 25 mins | 1 | Appt | |
| ↓ Adams | 9:40 am | 28 mins | 1 | Appt / Drop off | 11:40 am → Noon |
| ↓ Herborn | 9:55 | 20 mins | 1 | Appt | |
| ↓ Perkins | 10:05 | 25 mins | 1 | Appt | |
| ↓ Albora | 10:21 | 31 mins | 1 | Appt | |
| ↓ Shetter | 10:28 | 10 mins | 1 | Pick up | |
| ↓ Wallace | 10:29 | 3 mins | 1 | Pick up | |
| ↓ Carter | 10:30 | 18 mins | 1 | Appt | |
| ↓ Whitehead | 10:49 | 15 mins | 1 | Appt | |
| ↓ Carlsberg | 11 am | 17 mins | 1 | Appt | |
| ↓ Nore | 11:06 am | 20 mins | 1 | Appt | |
| ↓ Stueggaf | 11:15 am | 40 mins | 1 | Appt | |
| ↓ Thorson | 11:51 am | 4 mins | 1 | Pick up | |
| ↓ Bosket | 12:05 pm | 3 mins | 1 | Pick up | |
| ↓ Banks | 12:13 pm | 2 mins | 1 | Pick up | |
| ↓ Wickizer | 12:19 pm | 2 mins | 1 | Appt / Drop off | 1:35 → |
| ↓ Campbell | 12:54 pm | 25 mins | 1 | Appt | |
| ↓ Zoller | 1:10 pm | 8 mins | 1 | | |
| ↓ PWD | 8:38 am | 2:00 mins | 1 | | |
| ↓ Mijler | 1:28 | 10 mins | 1 | Pick up / Drop off | |
| ↑ Johnson | 1:35 | 5 mins | 1 | Pick up | |
| ↓ New | 1:45 | 5 mins | 1 | other | |
| ↓ Bluet | 2:06 | 17 mins | 1 / Appt | | # of cars in lot |
| ↓ Rose | 2:17 | 3 mins | 1 / Pick up | | 9:20 - 1 |
| ↓ Matshimer | 2:22 | 35 mins | 1 Appt | | 10:00 - 3 cars in lot |
| ↓ Staff | 2:23 | 7 mins | 1 Appt | | 10:20 - 1 car in lot |
| 7:15 am | 1 car | | | | 1:19 - 1 car in lot |
| 7:05 am | 1 car | | | | |
| 8:00 am | 1 car | | | | |
| 9:00 am | 1 car | | | | |

side yard
7 hrs

Saturday
February 23rd, 2013

Vol-PS: 9-45

| Client | Time | Time in clinic | # Of cars | Reason | Return time |
|------------|----------|----------------|-----------|-------------|-------------|
| Mauz | 7:33 | 7 mins | 1 | Drop off | 4:23 → 4:34 |
| Grove | 7:45 | 10 mins | 1 | Drop off | 4:21 → 4:50 |
| Miller | 8:21 | 34 mins | 1 | Appt | |
| Marilyn | 8:23 | 15 mins | 1 | Appt | |
| Ross | 8:24 | 10 mins | 1 | Drop off | 5:15 → 5:29 |
| Thomson | 8:45 | 18 mins | 1 | Appt | |
| Helm | 8:46 | 22 mins | 1 | Appt | |
| McDonald | 9:30 | 13 mins | 1 | Appt | |
| Stevenson | 9:40 | 25 mins | 1 | Appt | |
| Richardson | 9:41 | 2 mins | 1 | pick up | |
| Norris | 10:01 | 22 mins | 1 | Appt | |
| Korn/ | 10:08 am | 32 mins | 2 | Rept | |
| Tenchin | 10:11 am | 5 mins | 1 | pick up | |
| Palmer | 10:21 am | 9 mins | 1 | Walk in | |
| Pitney | 10:27 am | 27 mins | 1 | Appt | |
| Tucker | 10:38 am | 18 mins | 1 | Appt | |
| Brown | 11:10 am | 17 mins | 1 | Appt | |
| Repper | 11:11 | 34 mins | 1 | Appt | |
| Deaf Dogs | 11:13 am | 50 mins | 1 | Appt | |
| Wells | 12:15 | 10 mins | 1 | Walk | |
| Antech | 1:13 pm | 1 min | 1 | Set up | |
| Bode | 1:16 pm | 3 mins | 1 | pick up lab | |
| Gordon | 1:46 | 30 mins | 1 | pick up net | |
| Hark | 2:00 | 15 mins | 1 | Appt | |
| Vuker | 2:12 | 20 mins | 1 | Appt | |
| Creer | 2:22 | 4 mins | 1 | pick up | |
| Amblehl | 2:24 | 18 mins | 1 | Appt | |
| Buckner | 2:52 | 40 mins | 1 | Appt | |
| Jensen | 3:04 | 20 mins | 1 | Appt | |
| Labbeffer | 3:11 | 3 mins | 1 | pick up | |
| Meyer | 3:14 | 25 mins | 1 | Appt | |
| Hutchinson | 3:24 | | 1 | Appt | |

drop off

Tue, Wed, Thurs - 11-3 1-2 min

Garbage Truck - 7:35 am

| | | | |
|--------|---------|---------|---------|
| Appt | pick up | pick up | pick up |
| 3:55 | 35 mins | 5 mins | 2 mins |
| 3:55 | 4:00 | 5:00 | 5:11 |
| Chorio | Matter | Ballen | Ballen |



Mike Han <humblehan0413@gmail.com>

Tualatin Animal Clinic

TONY DORAN <TDORAN@ci.tualatin.or.us>

Fri, Mar 8, 2013 at 3:06 PM

To: Mike Han <humblehan0413@gmail.com>

Cc: Will Harper <WHARPER@ci.tualatin.or.us>, JIM SAYERS <JSAYERS@ci.tualatin.or.us>, Colin Cortes <CCortes@ci.tualatin.or.us>

Mike,

For your Conditional Use Permit, my supervisor Kaaren has approved the use of your submitted traffic information and numbers I gathered from ITE based on allowed uses in the zone. No additional traffic letter or study is needed. Have a great weekend.

Tony Doran

Engineering Associate

City of Tualatin | Engineering | Community Development

503.691.3035 | www.tualatinoregon.gov

<https://mail.google.com/mail/u/0/?ui=2&ik=fe64b20b49&view=pt&q=tony&qs=true&sear...> 3/15/2013



City of Tualatin

www.ci.tualatin.or.us

CONDITIONAL USE PERMIT CERTIFICATION OF SIGN POSTING

NOTICE

**CONDITIONAL USE
PERMIT __-__**

For more information:
503-691-3026 or
www.ci.tualatin.or.us

24" 18"

The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **lime green** composed of the **RGB color values Red 146, Green 208, and Blue 80**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates>.

As the applicant for the Tualatin Animal Clinic / 8650 SW Chewee St project, I hereby certify that on this day, April 2, 2013 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: Arthur Chitea
(PLEASE PRINT)

Applicant's Signature:

Date: April 2, 2013



CUP-13-02 ATTACHMENT C:

ANALYSIS AND FINDINGS

The issue before the City Council is consideration of a conditional use permit by Tualatin Animal Clinic, P.C. for a veterinary clinic with practice limited to small animals.

In order to grant the proposed Conditional Use Permit, the request must meet the approval criteria of [Tualatin Development Code \(TDC\) Section 32.030](#). The applicant prepared a narrative that addresses the criteria, which is within the application materials (Attachment B), and staff has reviewed this and other application materials and included pertinent excerpts below:

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

The subject property, [Tax Lot 2S1 23AA 01000](#), is within the Central Commercial (CC) Planning District. "Veterinary clinic with practice limited to small animals" is a conditional use within the CC Planning District pursuant to TDC [53.050](#)(10).

The criterion is met.

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

Size: The minimum lot size within the CC Planning District is 10,000 square feet (s.f.), approximately 0.23 acres. The site is approximately 0.34 acres and was developed with a single-family house, which has had tenant improvements for prior commercial use. There is also an outbuilding, a large shed, at the southeast corner of the site. The tax lot exceeds the minimum lot size requirement.

The site size is suitable for the proposed use.

Shape: The site is a rectangular lot with access from SW Cherokee Street and frontage along both SW Cherokee Street and SW Tualatin Road.

The lot shape is suitable for the proposed use.

Location: The proposed use is located within the CC Planning District with access from SW Cherokee Street. The site is within first Tualatin town plat, dating from 1887. Tax Map 2S1 23AA shows the nearest named subdivision to the east, "Town of Tualatin". The site is also located within the boundaries of the Tualatin Town Center and Central Urban Renewal District (CURD) Block 23 as TDC [Map 9-3](#) illustrates in Attachment G.

The location is suitable.

Topography: According to City Geographic Information System ([GIS](#)) contour data, the developed site has negligible slope. The site generally slopes downward northwest to southeast.

The topography would not interfere with the proposed use.

Improvements: The site was developed with a single-family house, which has had tenant improvements for prior commercial use. There is also an outbuilding, a large shed, at the southeast corner of the site. The applicant proposes a veterinary clinic with practice limited to small animals.

Of adjacent public streets, the Engineering Division Memorandum (Attachment D) identifies that the City constructed SW Tualatin Road to City standards as a capital project, while SW Cherokee Street is improved below City standards, retaining rural character by having 20-ft wide pavement and no curbing, formally aligned street trees, or sidewalks.

Connections to City sanitary sewer and water systems currently exist. There is no connection to the City stormwater system or on-site private stormwater treatment.

The Memorandum identifies that the issues of public improvements and stormwater management could be resolved through Architectural Review (AR) and a Public Works Permit (PWP).

Natural Features: Staff visited the site on April 18, 2013. There are three mature evergreen trees along the northerly portion of the east yard, north of an on-site shed, that are the chief natural features and would not necessarily be displaced by the proposed use.

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 following information is reproduced from the Engineering Division Memorandum (Attachment D):

Transportation:

The site is at the southeast corner of SW Cherokee Street & SW Tualatin Road.

SW Cherokee Street

SW Cherokee Street is a City of Tualatin facility and designated as a Local Street with a right-of-way width of 46 to 50 feet. Typical full construction of a Local Street would include:

- 32 feet of pavement and gutters which includes two 16-foot travel lanes
- 4-foot planter strips with trees, curbs, and streetlights
- 5-foot sidewalks

SW Cherokee Street's existing right-of-way width is 30 feet. The cross-section is improved with 20 feet of pavement. The intersection with SW Tualatin Road includes:

- 20 feet of pavement
- An 8-foot sidewalk perpendicular to SW Cherokee Street on the north side
- A 6-foot curb tight sidewalk on the south side

Southern Pacific Railroad is adjacent on north side which removes requirements for a sidewalk and planter strip on the north side. This results in a cross-section with 37.5 feet of right-of-way, therefore a future need for 7.5 feet of right of way from the south side. With future development, dedication and construction of SW Cherokee Street adjacent to this lot would include:

- 7.5 feet of dedication of right-of-way on the south side
- 32 feet of pavement and gutters which includes two 16-foot travel lanes
- A 0.5-foot curb on the north side
- A 4-foot planter strip with trees, curbs, and streetlights on the south side
- A 5-foot sidewalk on the south side

Note: Reduction from a typical cross-section and therefore less additional right-of-way needed may be possible. Any public infrastructure changes will be determined in the future Architectural Review and will require a Public Works Permit.

SW Tualatin Road

SW Tualatin Road is a City of Tualatin facility and designated as a Major Collector with a right-of-way width of 54 to 74 feet. Typical full construction of a Major Collector would include:

- 50 feet of pavement and gutters which includes two 12-foot travel lanes, one 14-foot center turn lane or landscaped median, and two 6-foot bike lanes
- 6-foot planter strips with trees, curbs, and streetlights
- 6-foot sidewalks

SW Tualatin Road's existing right-of-way width is 60 feet. The cross-section is improved with:

- Approximately 40 to 48 feet of pavement including two to three travel lanes and 6-foot bike lanes
- A curb-tight sidewalk on the east adjacent to this lot
- A planter strip on the west side

SW Tualatin Road was constructed through a City capital project. No additional improvements are expected with the future Architectural Review.

TDC 73.400 Access

(15) Distance between Driveways and Intersections.

Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection.

- (a) At the intersection of collector or arterial streets, driveways shall be located a minimum of 150 feet from the intersection.**
- (b) At the intersection of two local streets, driveways shall be located a minimum of 30 feet from the intersection.**
- (c) If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the 5-foot setback between the driveway and property line as required by TDC 73.400(14)(b).**

There are two existing accesses to SW Cherokee Street serving this commercial development building which used to be a house:

- Approximately five feet from the stop bar near SW Tualatin Road a 20-foot wide access to two parking spaces in front of a former residential garage
- Approximately 100 feet from the stop bar near SW Tualatin Road and 10 feet from the east property line a 32-foot driveway serves an onsite parking lot.

SW Tualatin Road is a Major Collector requiring the nearest access to be at least 150 feet from the stop bar at the intersection with SW Cherokee Street. Both accesses are less than 150 feet from the intersection.

Note: As determined in a future Architectural Review, the access nearest SW Tualatin Road may need to be removed. The access 100-feet from SW Tualatin Road is acceptably far from the intersection and close to the opposing property line. With future development the east access will be allowed to remain in this location, but may need to become right-in/right-out restricted. Public infrastructure changes will require a Public Works Permit.

[Continued next page.]

Reasonable Worst Case Site Trip Generation:

Mike Han, a representative of Tualatin Animal Clinic, provided counts of traffic visiting the existing 1,300 square foot building. The observations were interpolated to be equivalent to 1,000 square feet to make the values comparable to standard Institute of Transportation Engineers (ITE) values. Average Daily Traffic (ADT), AM Peak, and PM Peak values are shown below:

| | ADT | AM Peak | PM Peak |
|-----------------------|------------|----------------|----------------|
| Mike Han's Counts | 35 | 7 | 15 |
| Per 1,000 Square Feet | 26.68 | 5.34 | 11.43 |

Mike Han's Counts Per 1,000 Square Feet are compared below to current allowed uses in the Central Commercial Planning District. Note this chart is sorted by PM Peak:

| Per 1,000 square feet | ITE Code | ADT | AM Peak | PM Peak |
|-----------------------------------|-----------------|------------|----------------|----------------|
| Restaurant - Fast Food | 933 | 716 | 63.5 | 524 |
| Walk-In Bank | 911 | 156.48 | 21.49 | 42.02 |
| Restaurant - High Turnover | 932 | 127.15 | 13.53 | 18.8 |
| Day Care Center (Child) | 565 | 79.26 | 13.56 | 13.91 |
| Multi-purpose Recreation Facility | 435 | 90.38 | 2.88 | 11.54 |
| Mike Han's Counts | NA | 26.68 | 5.34 | 11.43 |
| Pharmacy | 880 | 90.06 | 7.54 | 11.07 |
| Government Office Building | 730 | 68.93 | 5.88 | 11.03 |
| Restaurant - Quality | 931 | 89.95 | 5.57 | 9.02 |
| Arts and Crafts | 879 | 56.55 | 4.65 | 6.85 |
| Automobile Parts Sales | 843 | 61.91 | 4.41 | 6.44 |
| Medical-Dental Clinic | 630 | | | 5.18 |
| Office | 710 | | 1.55 | 1.49 |
| Rental Townhouse (Unit) | 224 | | 0.73 | 0.73 |
| Luxury Townhouse (Unit) | 233 | | 0.65 | 0.65 |
| Furniture Store | 890 | 5.06 | 0.4 | 0.53 |
| Low Rise Townhouse (Unit) | 231 | | 0.54 | 0.52 |
| Condo Townhouse (Unit) | 230 | 5.86 | 0.44 | 0.52 |
| High Rise Townhouse (Unit) | 232 | 4.18 | 0.34 | 0.38 |

Mike Han's Counts for ADT, AM Peak, and PM Peak Per 1,000 Square Feet are less than a number of current allowed uses in this planning district therefore, less

than the reasonable worst case traffic generation. As this is less than the reasonable worst case traffic generation used in the Transportation System Plan (TSP), intersection Level-Of-Service would not be increased beyond expectations of the TSP by allowing this conditional use in this planning district.

Water, Sanitary, & Storm: Connections to City sanitary sewer and water systems currently exist. There is no connection to the City stormwater system or on-site private stormwater treatment.

Note:

- As determined in a future Architectural Review, modification to the existing or creating new impervious area may require stormwater treatment and detention for up to all remaining impervious area. Requirements will be based on code at the time of the proposing the change to impervious area. Conveyance calculations and the direction of connection to the public stormwater system will determine detention requirements.
- Required public stormwater will need to be treated in a public stormwater pond or swale in a public tract. Public stormwater lines exist near the intersection of SW 86th Avenue & SW Sweek Drive. If no connection to a public stormwater line is proposed, 100-year retention will be needed. Public infrastructure changes will require a Public Works Permit.
- Required on-site stormwater will need to be privately treated prior to directly entering the public stormwater system. All Clean Water Services treatment and detention facilities can be approved for on-site private treatment. Private treatment and detention will require a Water Quality Permit.
- With a future development, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement for the development.

Criterion 3 is met.

4. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district.

The subject property is in the RML Planning District. Surrounding land uses by cardinal direction and planning district include:

| | | |
|----|----|---|
| N: | CC | SW Cherokee Street and east-west rail line |
| E: | CC | Partially paved yet otherwise undeveloped |
| S: | CC | East to west: multi-tenant commercial building with Ecowater Northwest and Northwest Core Balance; building with unknown occupant, possibly a house in continued use as a residence; and In Color Salon |

W: RH/HR SW Tualatin Road and three-story V-plan Tualatin Greens
Condominium

The proposed use is compatible with surrounding urban neighborhood uses including residences and small businesses. Because of this and based on the applicant's submitted information and staff review, the proposed use would 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.

The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the CC Planning District include TDC:

- Chapter 6 "Commercial Planning Districts", Section 6.030 Objectives;
- Chapter 32 "Conditional Uses", Section 32.030 Conditional Uses – Siting Criteria; and
- Chapter 53 "Central Commercial Planning District (CC)", Section 53.010 Purpose.

TDC [6.030](#) states that "the following are general objectives used to guide the development of this Plan: (1) Encourage commercial development. ... (3) Provide shopping opportunities for surrounding communities. (4) Locate and design commercial areas to minimize traffic congestion and maximize access."

The proposal would relocate an existing business, a veterinary clinic. Within the application materials, Section 1 of the narrative states in the last paragraph that about 20% of clinic customers are within walking distance (p. 4). The presence of Tualatin Greens Condominium west across SW Tualatin Road, Twelve Fairway Lane Condominium north across SW Cherokee Street and the east-west rail line, and existing single-family houses east and south of the subject property lend credibility to the statement. The proposal would maintain a level of commercial activity – the clinic already exists and is presently located a block east at 8575 SW Tualatin Road – and continue to provide a business service for the surrounding neighborhood. The subject property has access from SW Cherokee Street, a local street, and customers who drive can arrive from SW Tualatin Road to the west or SW 86th Avenue to the east.

This Analysis & Findings (Attachment C) examines the five conditional use siting criteria within TDC 32.030, and this section addresses Criterion 5.

TDC [53.010](#) states that "the purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social and cultural functions serving the general community."

CUP-13-02: Tualatin Animal Clinic – Veterinary Clinic
May 13, 2013

The proposal is for the relocation of a veterinary clinic, an existing service use. The subject property is located within the boundaries of the Tualatin [Town Center](#) and Central Urban Renewal District ([CURD](#)) Block 23 as TDC [Map 9-3](#) illustrates in Attachment G. (Staff confirmed that TDC [53.035](#) Central Urban Renewal Area - Prohibited Uses does not prohibit a veterinary clinic.) As described above, the narrative states that about 20% of clinic customers are within walking distance, and the proposal would maintain a level of commercial activity and continue to provide a business service for the surrounding neighborhood.

The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use.

The proposal is consistent with plan policies.

Criterion 5 is met.

Based on the application and the above analysis and findings, Tualatin Animal Clinic (CUP-13-02) meets the criteria of TDC [32.030](#).



MEMORANDUM

CITY OF TUALATIN

TO: Colin Cortes, AICP, CNU-A
Assistant Planner

FROM: Tony Doran, EIT
Engineering Associate

DATE: April 11, 2013

SUBJECT: CUP 13-02, Tualatin Animal Clinic – Approval to relocate Tualatin Animal Clinic from 8575 SW Tualatin Road to the vacant former house at 8700 SW Cherokee Street within the Central Commercial Planning District in which "Veterinary Clinic with practice limited to small animals" is a conditional use pursuant to Tualatin Development Code (TDC) 53.050(10).
8700 SW Cherokee Street Tax Lot: 2S123AA01000

Colin,

TDC 32.030 (3) The proposed development is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.

Transportation:

The site is at the southeast corner of SW Cherokee Street & SW Tualatin Road.

SW Cherokee Street

SW Cherokee Street is a City of Tualatin facility and designated as a Local Street with a right-of-way width of 46 to 50 feet. Typical full construction of a Local Street would include:

- 32 feet of pavement and gutters which includes two 16-foot travel lanes
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SW Cherokee Street's existing right-of-way width is 30 feet. The cross-section is improved with 20 feet of pavement. The intersection with SW Tualatin Road includes:

- 20 feet of pavement
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Note:

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- Required on-site stormwater will need to be privately treated prior to directly entering the public stormwater system. All Clean Water Services treatment and detention facilities can be approved for on-site private treatment. Private treatment and detention will require a Water Quality Permit.
- With a future development, downstream sizing for all public utilities will need to be evaluated by the developer for the change from permitted uses to the proposed development. Any upsizing will be a requirement for the development.

Please let me know if you have questions, ext 3035.

MEMORANDUM

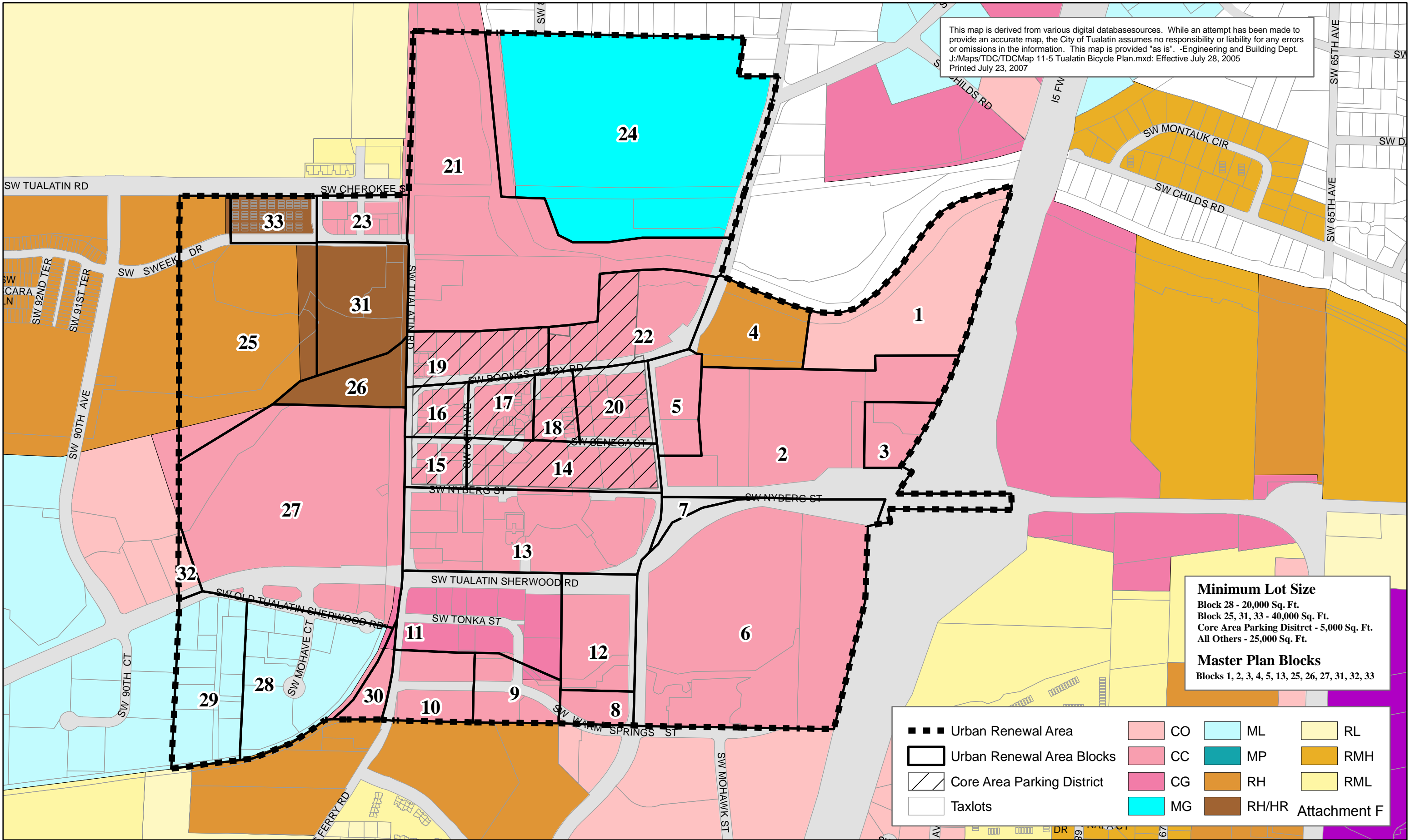
Date: April 15, 2013

To: Colin Cortes, Assistant Planner, City of Tualatin

From: Jackie Sue Humphreys, ^MClean Water Services (the District)

Subject: Tualatin Animal Clinic, CUP-13-02, 2S123AA01000

Clean Water Services has no concerns or objections to this application request. As submitted, this application request will not require further review or the issuance of a Storm Water Connection Permit Authorization.



**Conditional Use Permit:
CUP-13-02**

**Tualatin Animal Clinic:
Veterinary Clinic**

May 13, 2013

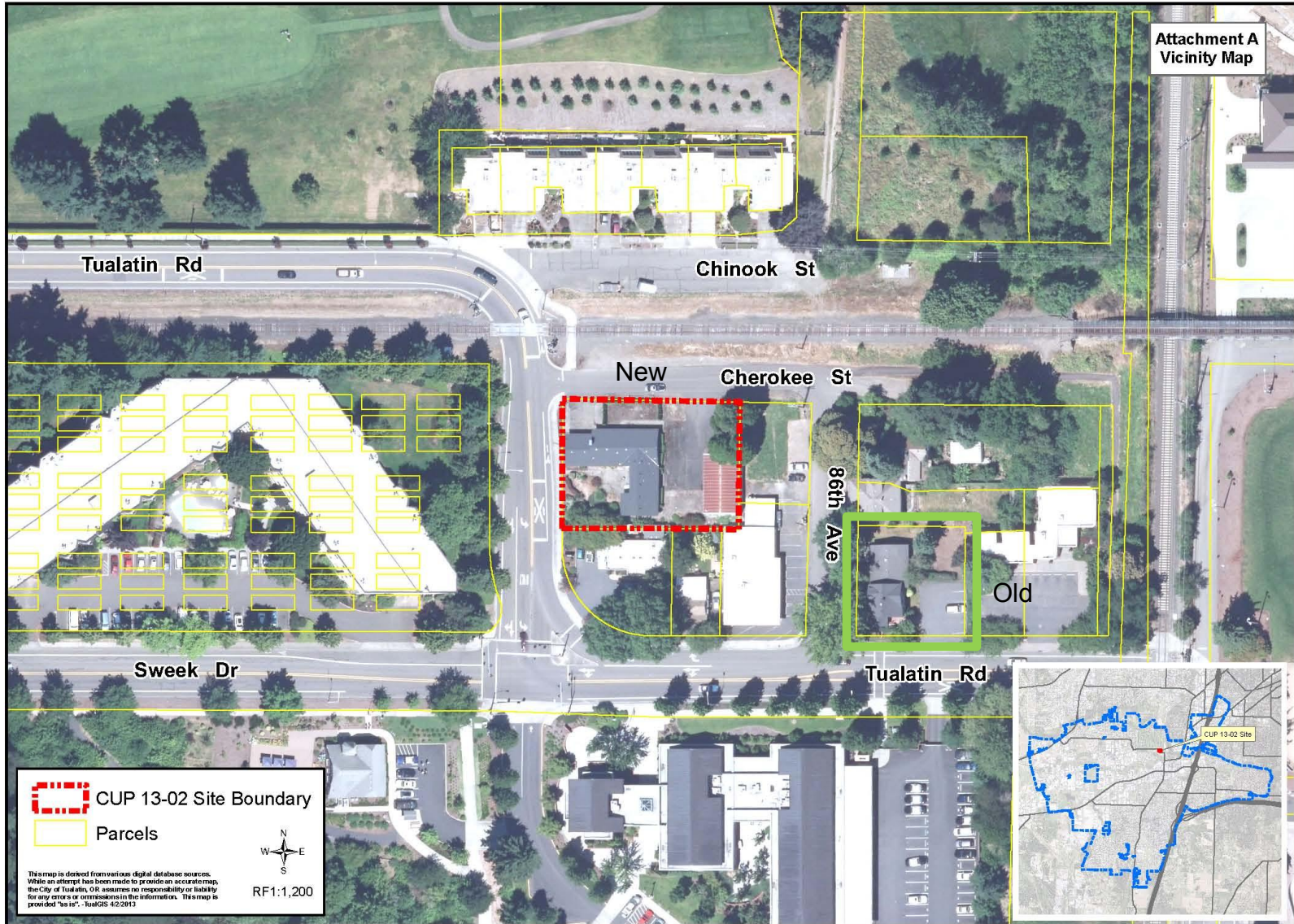


CUP 13-02: Tualatin Animal Clinic

8700 SW Cherokee St TLID: 2S123AA01000



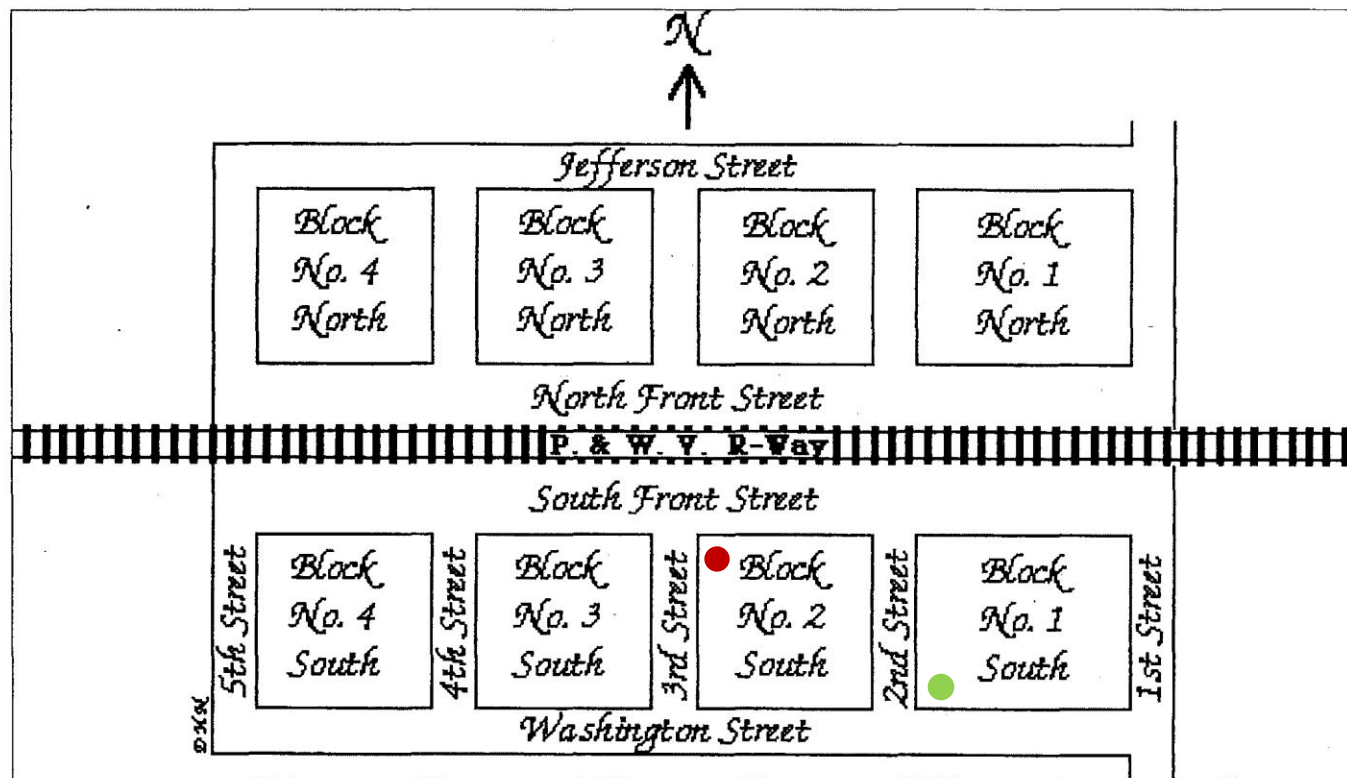
Attachment A
Vicinity Map





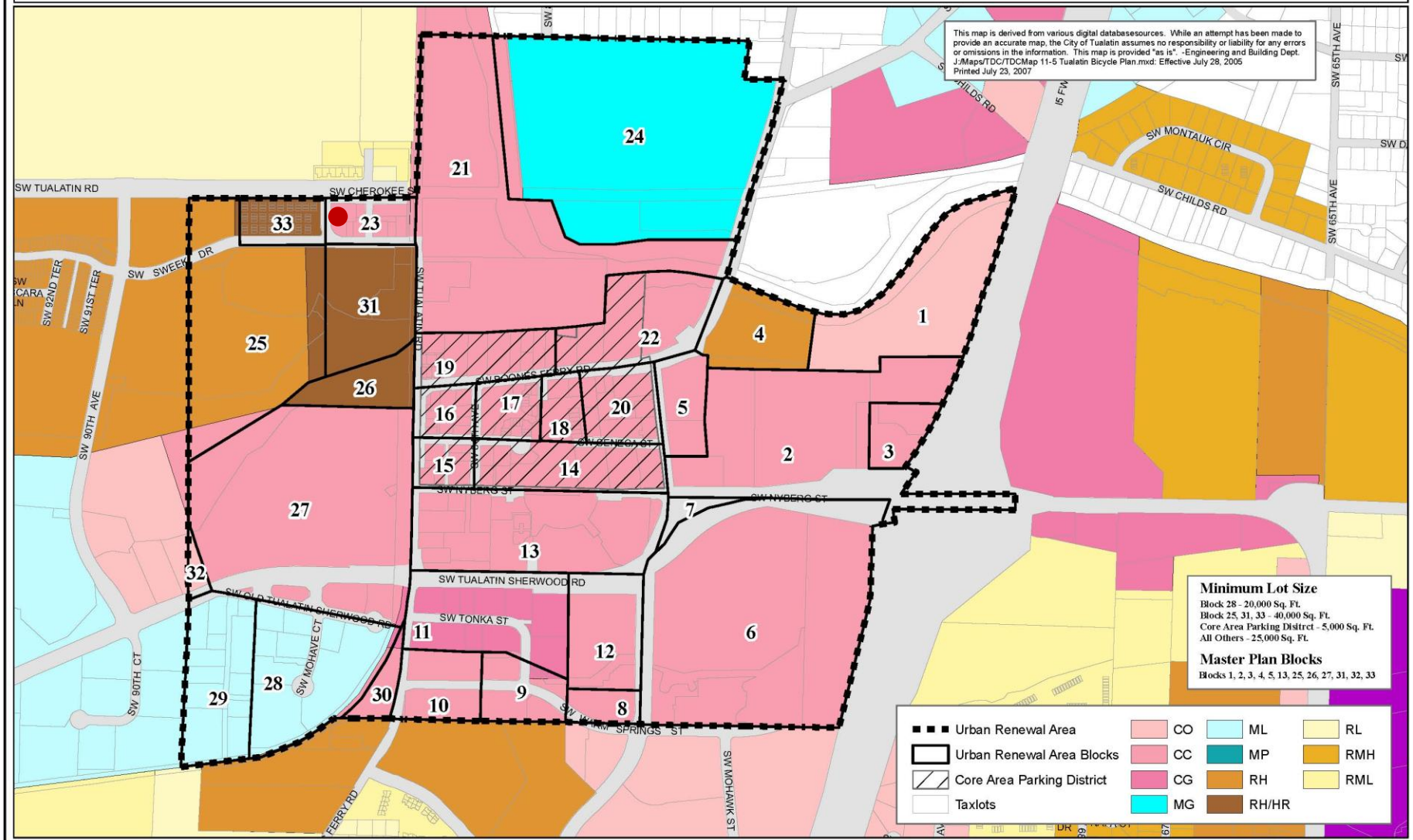
Oblique View





The first plat of Tualatin. In 1887, after the Portland & Willamette Valley Railway Co. purchased right-of-way through John Sweek's land, he platted a town around the rail line and gave it the name of Tualatin. Streets paralleling the tracks were named Washington, South Front, North Front and Jefferson and crossing them were 1st through 5th Streets. Not all the streets platted were laid out and none of the original buildings remain. A century later, the area is now Old Town. (Copied from original document.)

Source: Martinazzi, Loyce and Nygaard, Karen Lafky. *Tualatin ... From the Beginning*. Tualatin, OR: Tualatin Historical Society, 1994. Book.





Applicant Request

- Proposal to relocate Tualatin Animal Clinic to subject property
- 2-step process:
 1. Conditional Use Permit (CUP)
 2. Architectural Review (AR)
- Central Commercial (CC) Planning District
- “Veterinary clinic” is a conditional use



CUP Criteria

Tualatin Development Code (TDC) CUP criteria are:

1. Is site suitable?
 - Size, shape, location, topography, existence of improvements and natural features
2. Are transportation systems, public facilities, and services existing or planned for the area that the use affects adequate?
 - Won't limit the use of surrounding properties
3. Satisfies objectives and policies of the Community Plan



Conditions of Approval

In summary:

1. Upgrade off-street parking through Architectural Review (AR)
2. Applicant remains subject to applicable TDC provisions not explicitly referenced



Off-Street Parking

- Architectural Review (AR) would address off-street parking aspects:
 - Minimum number of parking stalls
 - Parking and vehicular circulation layout and stall dimensions
 - Parking lot landscaping



Conclusion

Analysis and findings show Tualatin Animal Clinic meets CUP criteria.



Source: Application Materials, p. 11.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sean Brady

FROM: Sean Brady, City Attorney

DATE: 05/13/2013

SUBJECT: Consideration of Resolution No. 5140-13 to Grant a Conditional Use Permit to Allow a Small-Lot Subdivision in the Medium Low Density (RML) Planning District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot13900) (CUP 13-01).

ISSUE BEFORE THE COUNCIL:

Consider adopting Resolution No. 5140-13 to grant a conditional use permit to Darter Construction, LLC for a small-lot subdivision in the Medium Low Density (RML) Planning District, at 9355 SW Stono Drive (CUP 13-01).

RECOMMENDATION:

Staff recommends adopting Resolution No. 5140-13 to grant a conditional use permit to Darter Construction, LLC for a small-lot subdivision in the Medium Low Density (RML) Planning District, at 9355 SW Stono Drive (CUP 13-01).

EXECUTIVE SUMMARY:

On April 22, 2013, Council held a quasi-judicial public hearing on CUP-13-01 to decide whether to grant a conditional use permit to Darter Construction, LLC for a small-lot subdivision in the Medium Low Density (RML) Planning District, at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900). At the conclusion of the public hearing, the Council voted unanimously to approve the conditional use permit with conditions, adopt the findings in the Staff Report, and directed staff to return with a resolution granting CUP-13-01 with conditions.

Attachments: Resolution No. 5140-13 CUP13-01

RESOLUTION NO. 5140-13

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A SMALL-LOT SUBDIVISION IN THE MEDIUM LOW DENSITY (RML) PLANNING DISTRICT AT 9355 SW STONO DRIVE (TAX MAP 2S1 35AC, TAX LOT 13900) (CUP 13-01).

WHEREAS, a quasi-judicial public hearing was held before the City Council of the City of Tualatin on April 22, 2013 upon the application of Darter Construction, LLC; and

WHEREAS, notice of public hearing was given as required by the Tualatin Development Code; and

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

WHEREAS, after the conclusion of the public hearing the Council vote resulted in unanimous approval of the application; and

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

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

Section 1. Findings. The City Council makes the following findings:

A. The subject property, Tax Lot 2S1 35AC 13900, is within the Medium Low Density (RML) Planning District. "Small-lot subdivisions" is a conditional use within the RML Planning District pursuant to TDC 41.030(2).

B. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements and natural features. The minimum lot size within the RML Planning District for a small-lot subdivision is 4,500 square feet (s.f.), approximately 0.10 acres. The subject property is approximately 0.66 acres and was developed with a single-family house, now demolished. The small-lot subdivision lots will range in size from 4,545 to 4,820 sq ft (0.10 to 0.11 acres); each lot exceeding the minimum lot size requirement. The subject property is roughly square lot

with access from SW Stono Drive and frontage along SW Quinault Lane. The proposed use is located within the RML Planning District with access from SW Stono Drive. The site is within a developed small-lot subdivision, Pennington Heights. The developed site has negligible slope that would likely necessitate grading along the north SW Quinault Street frontage, where the ground is a few feet above the sidewalk, in order to provide driveway and walkway connections for the three houses that would be built on the three lots that would front SW Quinault Lane. The site generally slopes downward north to south to the same level as the sidewalk along SW Stono Drive. The topography would not interfere with the proposed use. The site has access to paved public streets, sidewalks, and sanitary sewer, stormwater, and water lines are available for connection. Street trees are missing from the adjacent planter strips. Several trees exist on the site, including mature and tall ones.

C. 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 site is east of SW 94th Terrace, north of SW Stono Drive, west of SW 93rd Terrace, and south of SW Quinault Lane. The adjacent streets normally required as part of residential subdivision construction already exist. They were constructed at the time of the Waterford Subdivision and Pennington Heights Subdivision. Therefore, adequate infrastructure exists to support traffic from this development. Sidewalks and street trees are requirements of residential subdivision decisions and typically installed when homes are constructed. Sidewalks are currently constructed, but there are inadequate street trees. Asbuilts show existing sanitary sewer, stormwater, and water laterals to City systems for the proposed 6 small lots. Stormwater from this site and adjacent streets flows east towards SW Boones Ferry Road then north to an existing public water quality facility. This facility, constructed with the Waterford Subdivision, is sized to accommodate streets and complete small-lot subdivision construction for all small-lots in the Waterford Subdivision and 50 small-lots in Pennington Heights Subdivision. The planned 50 lots in the Pennington Heights Subdivision included the currently proposed 6-lot small-lot development. Tualatin Valley Fire and Rescue had no objections to the proposed small-lot subdivision. Therefore, all public utility and service needs are met.

D. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying planning district. The subject property is in the RML Planning District. Surrounding land uses are all RML single-family houses. The proposed use is the same as the land use of surrounding properties: single-family housing on small lots. Because of this equivalency and based on the applicant's submitted information and staff review, the proposed use would 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.

E. The proposal is consistent with plan policies. The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the RML Planning District include TDC:

- Chapter 5 “Residential Planning Growth”, Section 5.030 General Objectives
- Chapter 10 “Community Design”, Section 10.050 Tree Preservation and Street Tree Objectives;
- Chapter 32 “Conditional Uses”, Section 32.030 Conditional Uses – Siting Criteria;
- Chapter 34 “Special Regulations”, Section 34.210 Application for Architectural Review, Subdivision or Partition Review, or Tree Removal Permit;
- Chapter 41 “Medium Low Density Residential Planning District (RML)”, Section 41.010 Purpose; and
- Chapter 73 “Community Design Standards”, Section 73.250 Tree Preservation.

Consistent with TDC 5.030, the development provides for the housing needs of existing and future City residents, and provide areas that will accommodate small-lot subdivisions. The development would lead to six single-family houses in place of one, increasing the number of housing units in the city, and the site is within the RML Planning District, which allows the conditional use of small-lot subdivision. Consistent with TDC 10.050(1), site redevelopment would displace trees, and it is possible to design and develop the site to maximize the number of conserved trees. The CUP process by definition allows for a use conditioned by conditions of approval, and recommended conditions found within the main body of the staff report further tree conservation. Consistent with TDC 41.010, the proposal is for a small-lot subdivision of six single-family houses, and the site is within the RML Planning District, which allows the conditional use of small-lot subdivision. The proposal satisfies those objectives and policies of the TDC that are applicable to the proposed use.

F. Based on the application, the staff report dated April 22, 2013, and the above findings, the Pennington Heights Two small-lot subdivision by Darter Construction, LLC (CUP-13-01) meets the criteria of TDC 32.030.

Section 2. The City Council grants a conditional use permit (CUP-13-01) to Darter Construction, LLC for a Small-lot Subdivision within the Medium Low Density (RML) Plan District at 9355 SW Stono Drive (Tax Map 2S1 35AC, Tax Lot 13900), subject to with the following conditions:

A. Small Lot Subdivision Standards. The small-lot subdivision shall conform to the small-lot subdivision standards within Tualatin Development Code 41.030(2):

- a. All subdivision improvements shall conform to TDC Chapter 36;
- b. All dwelling units constructed shall conform to the construction standards of the State of Oregon Uniform Building Code as adopted by the City of Tualatin;
- c. The minimum lot area shall be 4,500 square feet;

- d. The minimum average lot width shall be 30 feet;
- e. The minimum lot width shall be 30 feet on a cul-de-sac street;
- f. The maximum building coverage shall be 45 percent; and
- g. For flag lots the minimum lot width at the street shall be sufficient to comply with at least the minimum access requirements contained in TDC 73.400(8)-(12).

B. Setbacks, Height, & Single-Family Design: The small-lot subdivision shall conform to the following standards for:

- a. Setbacks per TDC 41.070;
- b. Height per TDC 41.090; and
- c. Single-family design per TDC 73.190.

C. Trees: The small-lot subdivision shall conform to the following:

- a. Tree Survey: The applicant shall submit as part of a subdivision application a tree survey pursuant to TDC 34.210(1)(a)(iii). This tree survey shall show the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level. The purpose of this survey shall be to show that, by utilizing the small lot subdivision provisions, a greater number of trees can be preserved than would be possible without use of the small lot subdivision provisions;
- b. Tree Assessment: The applicant shall submit as part of a subdivision application a tree assessment, also known as an arborist's report, pursuant to TDC 34.210(1)(a)(ii);
- c. Tree Preservation Site Plan: The applicant shall submit as part of a subdivision application a tree preservation site plan pursuant to TDC 34.210(1)(a)(i) and that illustrates that any proposed improvements would be sited to maximize tree preservation;
- d. Tree Preservation: The City, through review of a subdivision application submittal for the subject property and single-family Architectural Review (ARSF) submittal(s) for new houses, may require that the applicant:
 - i. Show proposed improvements and other information, including house building pad shapes, sizes, and placements; driveway locations, sizes, and placements; and tree drip lines;
 - ii. Revise proposed improvements and other information, including lot line delineations; house building pad shapes, sizes, and placements; driveway locations and placements; and tree drip lines; and

iii. Preserve designated trees.

e. Tree Preservation Standards: The applicant shall preserve designated trees pursuant to the tree preservation standards within TDC 73.250; and

f. Street Trees: The applicant shall submit as part of a subdivision application a street tree plan to plant street trees in the treeless public planter strips along SW Stono Drive and SW Quinault Lane adjacent to the site. The applicant should consult with the Parks Maintenance Manager within the Operations Department.

D. Clean Water Services: The applicant shall comply with the CWS Memorandum dated March 26, 2013, which is attached as Attachment A and incorporated herein. A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1;
- b. Detailed grading and erosion control plan. An Erosion Control Permit will be required. Area of Disturbance must be clearly identified on submitted construction plans. If site area and any offsite improvements required for this development exceed one-acre of disturbance, project will require a 1200-CN Erosion Control Permit;
- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer;
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4;
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility;
- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance;
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City; and

- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

E. General: The applicant shall comply with all applicable TDC policies and regulations.

Section 3. This Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 13th day of May, 2013.

CITY OF TUALATIN, Oregon

By _____
Mayor

ATTEST:

By _____
City Recorder

Approved as to Form:

City Attorney



Exhibit A
Resolution No. 5140-13

CITY OF TUALATIN
RECEIVED

MAR 29 2013

COMMUNITY DEVELOPMENT
PLANNING DIVISION

MEMORANDUM

Date: March 26, 2013
To: Colin Cortes, Assistant Planner, City of Tualatin
From: Jackie Sue Humphreys, Clean Water Services (the District)
Subject: Pennington Heights Two Subdivision, CUP-13-01, 2S135AC13900

Please include the following comments when writing your conditions of approval:

PRIOR TO ANY WORK ON THE SITE AND PLAT RECORDING

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained prior to plat approval and recordation. Application for the District's Permit Authorization must be in accordance with the requirements of the Design and Construction Standards, Resolution and Order No. 07-20, (or current R&O in effect at time of Engineering plan submittal), and is to include:

- a. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-1.
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- c. Detailed plans showing each lot within the development having direct access by gravity to public storm and sanitary sewer.
- d. Provisions for water quality in accordance with the requirements of the above named design standards. Water Quality is required for all new development and redevelopment areas per R&O 07-20, Section 4.05.5, Table 4-1. Access shall be provided for maintenance of facility per R&O 07-20, Section 4.02.4.
- e. If use of an existing offsite or regional Water Quality Facility is proposed, it must be clearly identified on plans, showing its location, condition, capacity to treat this site and, any additional improvements and/or upgrades that may be needed to utilize that facility.

- f. If private lot LIDA systems proposed, must comply with the current CWS Design and Construction Standards. A private maintenance agreement, for the proposed private lot LIDA systems, needs to be provided to the City for review and acceptance.
- g. Show all existing and proposed easements on plans. Any required storm sewer, sanitary sewer, and water quality related easements must be granted to the City.
- h. Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.

CONCLUSION

This Land Use Review does not constitute the District's approval of storm or sanitary sewer compliance to the NPDES permit held by the District. The District, prior to issuance of any connection permits, must approve final construction plans and drainage calculations.