



TUALATIN CITY COUNCIL

Monday, February 10, 2014

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

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.



A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Tualatin Youth Advisory Council update for February, 2014
2. New Employee Introduction- Stephanie Marcinkiewicz, Permit Technician

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, 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.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of January 27, 2014
2. Consideration of the 2013 Tualatin Development Commission Annual Financial Report
3. Consideration of **Resolution No. 5180-14** Approving with Conditions, the Architectural Review Application for the Nyberg Rivers Shopping Center Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 2700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100 (AR-13-07)
4. Consideration of **Resolution No. 5179-14** Approving with Conditions, a Public Utilities Decision for the Nyberg Rivers Shopping Center Development Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 1700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100)
5. Consideration of Approval of a New Liquor License Application for Gallardo Inc. d.b.a. Super Mercado la Montana 3

6. Consideration of **Resolution No. 5183-14** Authorizing the City Manager to Sign a Contract for Community Development Software with CRW Systems, Inc.

E. SPECIAL REPORTS

1. 2013 Annual Report of the Tualatin Park Advisory Committee
2. Tualatin Valley Fire and Rescue Annual State of the District Presentation

F. PUBLIC HEARINGS – Legislative or Other

2. Consideration of **Ordinance No. 1367-14** to Modify the Transportation System Plan to Comply with the Land Use Board of Appeals (LUBA) Opinion and Order

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)

H. GENERAL BUSINESS

1. Consideration of Ordinance No. 1367-14 An Ordinance Relating to the Transportation System Plan; Amending the Tualatin Development Code (TDC) 11.650 and the 2012 Tualatin Transportation System Plan Adopted February 25, 2013
2. Consideration of Ordinance No. 1368-14 Relating to Medical Marijuana Facilities; Establishing New Tualatin Municipal Code Chapter 9-08; and Declaring an Emergency.

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: 02/10/2014

ANNOUNCEMENTS: Tualatin Youth Advisory Council Update

ANNOUNCEMENTS

Tualatin Youth Advisory Council update for February, 2014

A. YAC Update



Council Update February 10, 2014

TUALATIN YOUTH ADVISORY COUNCIL

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

- Day long anti-bullying workshop for Tualatin 5th graders
- Bridgeport, Byrom, and Tualatin Elementary
- All curriculum is currently being revised and updated
- Hope to hold workshop in April/ May 2014



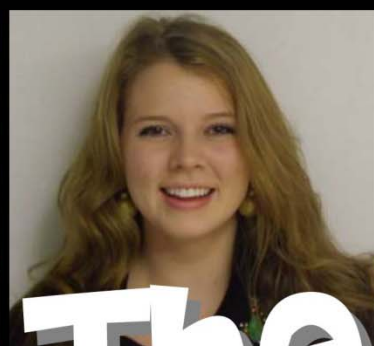
Tualatin YAC – Youth Participating in Governance

Other Upcoming Projects

- Youth/Elected Leader Social
- Teen Extravaganza
- Crawfish Festival
- Summer Movie planning
- Tualatin TRYathlon



Tualatin YAC – Youth Participating in Governance



The YAC Bunch



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 02/10/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of January 27, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of January 27, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: City Council Work Session Minutes for January 27, 2014
City Council Regular Meeting Minutes of January 27, 2014



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR JANUARY 27, 2014

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: Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris

CALL TO ORDER

Mayor Ogden called the meeting to order at 6:30 p.m.

1. ***Comcast Franchise Renewal Update.***

City Manager Lombos introduced Metropolitan Area Communications Commission (MACC) Administrator Bruce Crest. She also noted that Council President Beikman serves as the cities representative on MACC. Mr. Crest presented information regarding the need for extending the current Comcast franchise agreement for one year to allow more time to negotiate a renewal. MACC began working with Comcast in February of last year and have not been able to reach an agreement at this time. MACC will begin the formal negotiation process while continuing to negotiate informally. Mr. Crest and Council President Beikman discussed several of the issues of the negotiation with Comcast including franchise fee revenue and policing powers.

Councilor Bubenik asked if a year was a reasonable time frame to complete negotiations. Mr. Crest expects to have negotiations completed in the next six months but wants to be sure to have ample time to visit all fourteen cities.

Councilor Bubenik asked when the last time the franchise agreement was negotiated. Mr. Crest noted the last agreement was established fifteen years ago.

Councilor Davis asked if there was a difference between a new agreement and a renewal. Mr. Crest stated there are two separate processes and explained both noting that this negotiation is for a renewal of the current franchise agreement.

Mayor Ogden asked if Council President Beikman had heard from Comcast during the negotiations. Mr. Crest stated Comcast has been present at all the MACC meetings and have testified and made themselves available to answer questions.

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

Councilor Grimes requested information regarding permitted parking. She would like the Council to look into having permitted parking put in place in the Fox Hills neighborhood. She has received several complaints about Stafford Hills Racquet Club employees parking in the area. Councilor Truax stated he would also like this information. Council directed staff to bring back information regarding permitted parking at a future Council work session.

Councilor Bubenik announced the Community Development Block Grant had finished rating applications and tentatively announced that the Juanita Pohl Center will receive full funding for their request for a sprinkler system.

Councilor Bubenik noted that he attended the Clackamas Cities Association Dinner and listened to Ted Wheeler talk on Economic Viability for Cities.

Council President Beikman reminded the Council about the Tualatin Together Breakfast on January 28th at 7:30 a.m. and encouraged the Council to attend.

ADJOURNMENT

The work session adjourned at 6:57 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JANUARY 27, 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; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Information Services Manager Lance Harris; Engineering Manager Kaaren Hofmann; Engineer Associate Tony Doran; Management Analyst Ben Bryant; Senior Planner Clare Fuchs

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:05 p.m.

B. ANNOUNCEMENTS

1. Introduction of City of Tualatin Police K-9 Zoey

Police Chief Kent Barker introduced the departments new narcotic detection canine Zoey and her handler Police Officer Nick Barkley. The pair became certified as a Canine Unit for narcotic detection on January 21, 2014.

2. TriMet's Southwest Service Enhancement Plan Open House

Management Analyst Ben Bryant announced the open house for TriMet's Southwest Service Enhancement Plan. The open house will be held on Thursday, February 13th, 6:30 p.m., at the Tualatin Public Library.

Mayor Ogden stressed the importance of public involvement with this plan and encouraged all citizens to attend.

3. State of the City and Tualatin Tomorrow Vision Plan Update

Deputy City Manager Sara Singer announced the State of the City Event to be held Wednesday, January 29th, 5:00 p.m., at the Grand Hotel at Bridgeport. The event will also feature the results of the community outreach for the Tualatin Tomorrow Vision Plan Update. For more information and to RSVP please visit the cities website.

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.

Tim Goodman, Comcast Government Affairs, requested that consent agenda item 5 regarding Resolution No. 5181-14 authorization to extend the term of the cable television services agreement with Comcast of Oregon II, Inc. be removed for further discussion.

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 Joelle Davis to remove item D.5, Resolution No. 5181-14 authorization to extend the term of the cable television services agreement with Comcast of Oregon II, Inc., from the consent agenda.

Vote: 7 - 0 MOTION CARRIED

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

Vote: 7 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of January 13, 2014
2. Consideration of Recommendations from the Council Committee on Advisory Appointments
3. Consideration of **Resolution No. 5178-14** Authorizing a Personal Services Agreement for Concept Planning for the Basalt Creek / West Railroad Areas
4. Consideration of an Intergovernmental Agreement between the City of Portland and the City of Tualatin for Access to the Regional Justice Information Network [RegJIN]

E. SPECIAL REPORTS

F. PUBLIC HEARINGS- Legislative or other

G. PUBLIC HEARINGS – *Quasi-Judicial*

1. Request for Review of the Architectural Review Board Decision Approving the Nyberg Rivers Shopping Center Project Located at 7455-7925 SW Nyberg Street (AR-13-07)

Mayor Ogden opened the public hearing for review of the Architectural Review Board (ARB) decision approving the Nyberg Rivers Shopping Center Project located at 7455-7925 SW Nyberg Street. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Senior Planner Clare Fuchs and Planning Manager Aquilla Hurd-Ravich presented the staff report. Planner Fuchs summarized the application for the Nyberg Rivers Shopping Center. She stated the request for review was filed by Zian Properties on January 3, 2014. The issues presented by Zian were control of a parcel of ODOT property and the traffic impacts to the area. Planner Fuchs noted that a lot line adjustment was made between ODOT and CenterCal and is waiting to be recorded with the County. She stated that the ARB met on December 3rd and 16th and significant progress was made on the design since the master plan was approved.

Christy White, Land Use Council for CenterCal, stated on behalf of the applicant they endorse the information provided in the staff report and have submitted a written rebuttal to the appeal. She noted that the issue presented regarding the ODOT property is being resolved and a lot line adjustment has been signed and was approved by the city today.

Gibb Masters, attorney for Cabela's, stated the company is very supportive of this project and hope to have the store open this fall.

CITIZEN COMMENT

In Support

Arne Nyberg spoke in support of the development and what it will bring to the downtown area.

In Opposition

Seth King, on behalf of Zian Limited Partnership, stated since the time of the appeal new information regarding the property in question has been brought forward. He expressed concern that CenterCal has not fully demonstrated control over the property at this time and does not meet the standards set forth by the City. He requested Council impose a condition stating CenterCal must have control over the property in question.

APPLICANT REBUTTAL

Christy White stated the ODOT property transfer will occur this week and they are willing to accept a condition of approval knowing this will be completed.

COUNCIL DISCUSSION

Councilor Davis would like to put this condition in place to ensure that transfer of property is complete.

Councilor Truax thanked the ARB for committing themselves to this process and the decisions they made to get the design of the development to the place it is today.

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to approve the decision from the Architectural Review Board and the conditions as they were originally outlined.

Vote: 7 - 0 MOTION CARRIED

2. Request for Review of the Public Facilities Decision Approving the Nyberg Rivers Shopping Center Project Located at 7455-7925 SW Nyberg Street (AR-13-07)

Mayor Ogden opened the public hearing for review of the Public Facilities Decision approving the Nyberg Rivers Shopping Center Project located at 7455-7925 SW Nyberg Street. He read the rules of the hearing in accordance with ORS 197.763(5) and (6) and ORS 197.796(3)(b).

Engineering Manager Kaaren Hofmann and Engineering Associate Tony Doran presented the staff report. Manager Hofmann summarized the application for the Nyberg Rivers Shopping Center. She stated the request for review was filed by Zian Properties on January 3, 2014. The issues presented for review by Zian were in conformance with the Master Plan and Tualatin Development Code, construction timing of Seneca Street, control of the ODOT property, and traffic impacts to the area. Manager Hofmann addressed the conformance issue stating that CenterCal is in compliance and the decision is still valid. She noted the ODOT property should be in their control shortly as a lot line adjustment was signed today. Other traffic impacts to the area are being mitigated by CenterCal at this time. Manager Hofmann presented proposed language changes to the Public Facilities Condition (PFR) 70 that would address the issue regarding the timing of Seneca Street construction.

Christy White, Land Use Council for CenterCal, stated on behalf of the applicant they are willing to accept the condition of approval as long as the right-of-way is turned over in time and it is clear that occupancy of the shopping center is not based on the timing of completion of Seneca Street. She noted in the master plan Seneca Street is not needed to mitigate impacts to traffic to the area, yet it will preserve optimal function instead.

CITIZEN COMMENT

In Support

None

In Opposition

Seth King, on behalf of Zian Limited Partnership, stated the primary concern is in relation to Seneca Street construction. He requested that a condition be imposed to require the construction of Seneca Street prior to occupancy certificates being issued.

Arne Nyberg expressed concerns regarding the right-of-way in question and the vacation of the property.

APPLICANT REBUTTAL

Ms. White stated according to the master plan CenterCal had to show compliance with Central Urban Renewal District (CURD) Goal 5. She stated CenterCal has met

this goal and emphasized the goal does not suggest that Seneca Street is required to mitigate traffic impacts and therefore should not be tied to the occupancy of the development.

COUNCIL QUESTIONS

Councilor Truax asked about the timing of the transfer of the right-of-way and what would happen if the city is not able to meet that deadline. Manager Hofmann stated that condition currently states that CenterCal would have to pay the city \$360,000 in lieu of construction of the street.

Mayor Ogden asked what would happen if there are issues that cannot be mitigated in relation to the right-of-way and the property is not turned over before April 1st, 2014. Manager Hofmann stated CenterCal would then have to make the in lieu of payment.

Councilor Grimes asked if clarifying language regarding the closing of the driveways could be added to the conditions. Assistant City Manager Alice Cannon recited language that could be used to clarify the condition in question.

A recess was taken from 9:56 to 10:05 p.m.

Assistant City Manager Cannon stated during the recess she confirmed with the applicant that they can comply with the condition as it stands and adding the clarifying language regarding the closing of the driveways is acceptable with CenterCal.

Councilor Bubenik asked questions about the April 1st date as he thought the intent was to have Seneca Street completed with the opening on the center. Ms. White stated that it is CenterCal's intent to have Seneca Street completed before final occupancy is issued and that they can comply with the condition as it stands.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to approve the Public Facilities Decision with existing conditions and add clarifying language to PFR 71.

Discussion

Mayor Ogden asked a clarifying question regarding the closing of the driveways in the development along Martinazzi. Assistant City Manager Cannon stated that language in the motion would guarantee the closing of these driveways.

Vote: 7 - 0 MOTION CARRIED

H. GENERAL BUSINESS

1. **Resolution No. 5182-14** Declaring the City Council's Intent to Construct an Extension of Seneca Street and a Traffic Signal at the Intersection of Seneca Street and Martinazzi Avenue

PRECEED ITEM G.1

City Manager Lombos presented the staff report. She noted the City Council directed staff to prepare this resolution at the January 13th work session. The Council began discussion on this back in March 2013 and has met seven times since then to discuss this issue. The Nyberg Rivers Master Plan was approved on August 26, 2013 and showed the extension of Seneca Street per the City's Transportation System Plan (TSP) to improve circulation, pedestrian safety and enhance the access to the adjacent development site. The extension of the street would require the demolition of the existing Council Building.

CITIZEN COMMENTS

In Support

Brett Hamilton expressed concerns regarding pedestrian safety in the area. He stated that the intersection needs upgrades including a traffic signal and crosswalk. He urged the Council to approve the resolution extending Seneca Street.

In Opposition

Robert Kellogg presented concerns with the lack of improvement in the levels of service, financial impacts, and public opinion not being in favor of the extension. He asked that Council wait and see the impacts to the area before making this decision.

Tom Beall expressed concerns with the cost of the Seneca Street extension and constructing a new building. He would like to see monies instead directed towards the Blake Street curves.

Kathy Newcomb made a recommendation to Council to add signage to the crosswalks near the library and generally spoke in opposition of the extension.

Neutral

Steve Titus asked the Council for a financial summary of how the tax revenues from the development would offset the costs of constructing a new building.

COUNCIL QUESTIONS

Council President Beikman asked if there would be a increase in tax revenue from the development. City Manager Lombos stated the information had been analyzed to determine the increased assessed value from the development in the past year but does not have current information.

Councilor Bubenik asked about a plan to relocate staff if Seneca Street were to go through. Deputy City Manager Singer shared the information that was presented at a previous work session outlining the relocation of staff.

Council President Beikman addressed comments regarding funding sources for a new building stating Urban Renewal dollars were one of the sources and those funds are limited to where they can be spent based on location.

Council President Beikman asked about earmarking dollars for the street if it is not constructed. City Manager Lombos stated it was a possibility.

Councilor Bubenik and Mayor Ogden asked questions related to the time frame of

earmarked dollars for a extension of Seneca Street. City Attorney Brady stated that if the intent was to build Seneca Street the dollars could be earmarked for a period of time.

Mayor Ogden asked questions centered on the Transportation Development Tax (TDT) credits associated with the development and how that money could be spent.

Council President Beikman asked what CenterCal's obligations are in constructing the street. Manager Hofmann stated CenterCal would be responsible for design and construction of the street, design and construction of the parking lot, and demolition of the building.

Mayor Ogden asked if a parking plan had been developed if the street goes through. Deputy City Manager Singer provided information related to parking on the site.

Councilor Davis asked if the City could direct CenterCal to maximize parking when designing the lot. Manager Hofmann stated that they would design the lot to maximize safety and parking based on the city's construction code.

Council President Beikman asked about the property designated for A Street. City Manager Lombos noted that the transaction for this piece of property has not been completed and the street has not been designed.

Councilor Grimes asked questions related to the Neighborhood Traffic Solutions Program and concerns presented from citizens about funds being better used for the Blake Street Curves. Manager Hofmann stated the monies for that program comes from the Gas Tax fund. City Manager Lombos noted that it is in the Capital Improvement Plan to study solutions for that area.

MOTION by Council President Monique Beikman, SECONDED by Councilor Nancy Grimes to adopt Resolution No. 5182-14 declaring the City Council's intent to construct an extension of Seneca Street and a traffic signal at the intersection of Seneca Street and Martinazzi Avenue.

COUNCIL DISCUSSION

Council President Beikman stated that the extension should go through now as it will maintain the quality of living at a high level that has become expected from the City's residents. She believes that it is the right thing to do for the businesses, traffic, and library.

Councilor Grimes believes that this is an opportunity to take care of a lot of traffic problems with one solution. She wants to make sure the city is spending money where safety is concerned.

Councilor Truax wants to make the downtown well connected and as safe and accessible for pedestrians as possible. He feels that the community benefit from putting the extension through outweighs the unknowns.

Councilor Bubenik stated that the information gathered from the CIO meetings clearly established that there are two separate issues to address, the street extension and a City Hall building. He would ideally like to see a facilities study completed that shows

all city staff in one building allowing the library to expand. He urged the Council to take action as they may never get back to addressing this issue.

Councilor Davis expressed concerns with the driveway as it currently stands and is in favor of the extension as it will increase safety in the area for pedestrians.

Mayor Ogden stated that the Seneca Street extension would be nice to have but the facts are that it creates more problems than it solves. He noted that his biggest concerns are related to the financial implications of the extension. He feels that there are more cost effective solutions to solve the traffic issues and pedestrian safety in the area. He urged Council to defer the decision.

Councilor Brooksby stated that he is not opposed to the Seneca Street extension but would like to take time to evaluate the information further and have a cohesive plan in place before moving forward.

Vote: 4 - 3 MOTION CARRIED

Nay: Mayor Lou Ogden
Councilor Wade Brooksby
Councilor Frank Bubenik

I. ITEMS REMOVED FROM CONSENT AGENDA

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

1. Consideration of **Resolution No. 5181-14** Authorizing the Extension of the Term of the Cable Television Services Agreement with Comcast of Oregon II, Inc.

Citizen Comments

Tim Goodman, Comcast Governmental Affairs, stated Comcast's issue is not related to the issue of the extension of the contract but with Metropolitan Area Communications Commissions (MACC) decision to enter the formal negotiation process. Comcast is concerned with the financial implications for both parties upon entering into the formal process and they feel that an agreement can be reached using the informal process.

Council Discussion

Council President Beikman stated she hopes both parties can come to an agreement a civil fashion.

Mayor Ogden stated he sensed from MACC that since no progress was being made and that there were issues that were sticking points it was necessary for them to enter into the formal process.

Mr. Goodman stated that he feels that those issues can be worked through in an informal way.

Councilor Davis expressed her dissatisfaction with Mr. Goodman's statements and knows that MACC will continue to look out for the City's best interests.

MOTION by Council President Monique Beikman, SECONDED by Councilor Joelle Davis to approve Resolution No. 5181-14 authorizing the extension of the terms of the Cable Television Services Agreement with Comcast of Oregon II, Inc.

Vote: 7 - 0 MOTION CARRIED

J. COMMUNICATIONS FROM COUNCILORS

Council President Beikman asked when information regarding the facilities study for the Council Building would be coming back to Council. City Manager Lombos stated discussion would start at an upcoming work session.

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 10:32 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor

City Council Meeting

D. 2.

Meeting Date: 02/10/2014

CONSENT AGENDA: Consideration of the 2013 Tualatin Development Commission Annual Financial Report

CONSENT AGENDA

Consideration of the 2013 Tualatin Development Commission Annual Financial Report

SUMMARY

Annual Financial Report Contents

In accordance with Oregon Revised Statute 457.460, the City of Tualatin's Urban Renewal Agency must file an annual financial report with the Tualatin Development Commission and City of Tualatin prior to January 31st. Once the report is filed, it will be published in *The Tigard-Tualatin Times*.

The Central Urban Renewal District (CURD) and the Leveton Tax Increment District (LTID) stopped collecting revenue on June 30, 2010. The annual financial report (Attachment A) outlines:

- the remaining revenues and expenditures as expected in the Fiscal Year 2013-14 Adopted Budget; and,
- the year-end actual revenues and expenditures from Fiscal Year 2012-13.

Since both urban renewal districts stopped collecting revenue, no taxes were forgone by other taxing jurisdictions in the districts.

Behind the Numbers

For more detail behind the numbers in the report, below is a summary of the highlights in both districts this past year and the goals for the current year, as reflected in the 2012-13 Adopted Budget

CURD 2012-13 Highlights

- Finished the Tualatin-Sherwood Road Landscaping Enhancement Project

CURD 2013-14 Goals

- Work with the TDC to prioritize remaining CURD funds

LTID 2011-12 Highlights

- Completed construction of the Leveton Drive extension project
- Continued wetland monitoring and reporting for SW 124th Avenue and Herman Road

LTID 2013-14 Goals

- Work with the TDC to prioritize remaining LTID funds

- Continue wetland monitoring and reporting for SW 124th Avenue and Herman Road

Attachment A: 2013 Financial Report

NOTICE

TUALATIN URBAN RENEWAL AGENCY – ANNUAL FINANCIAL REPORT FOR 2013

In accordance with ORS 457.460, notice is given that the annual financial statement of the City of Tualatin's Urban Renewal Agency has been filed with the Tualatin Development Commission and the City of Tualatin. Below is a summary of the two urban renewal districts in Tualatin, the Central Urban Renewal District and the Leveton Tax Increment District. A complete copy of the report is available at the City of Tualatin.

TABLE 1

TUALATIN URBAN RENEWAL AGENCY - ANNUAL FINANCIAL REPORT FOR 2013		
CENTRAL URBAN RENEWAL DISTRICT	FY 13/14	FY 12/13
BOND FUND		
Revenue		
Beginning Balance	\$ -	\$ -
Tax Increment, Current & Prior Years	\$ -	\$ -
Interest	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Debt Service	\$ -	\$ -
Contingency and Reserves	\$ -	\$ -
PROJECT FUND		
Revenues		
Beginning Balance	\$ 868,460	\$ 1,115,183
Interest	\$ 3,945	\$ 6,907
Sale of Bonds	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Transfers & Reimbursements	\$ 61,925	\$ 32,035
Capital Outlay	\$ 79,300	\$ 36,001
Contingency & Reserves	\$ 731,180	\$ 1,054,054
LEVETON TAX INCREMENT DISTRICT		
BOND FUND		
Revenue		
Beginning Balance	\$ -	\$ -
Tax Increment, Current & Prior Years	\$ -	\$ -
Interest	\$ -	\$ -
Expenditures		
Materials & Services	\$ -	\$ -
Debt Service	\$ -	\$ -
Contingency and Reserves	\$ -	\$ -
PROJECT FUND		
Revenues		
Beginning Balance	\$ 4,054,600	\$ 5,661,131
Interest	\$ 20,275	\$ 28,608
Sale of Bonds	\$ -	\$ -
Transfers & Reimbursements	\$ -	\$ 48,890
Expenditures		
Materials & Services	\$ -	\$ -
Transfers and Reimbursements	\$ 104,595	\$ 156,410
Capital Outlay	\$ 50,000	\$ 1,440,596
Contingency & Reserves	\$ 3,920,280	\$ 4,141,623

Both urban renewal districts stopped collecting revenue on June 30, 2010. Accordingly, no taxes were forgone by other taxing jurisdictions in the districts.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 02/10/2014

SUBJECT: Consideration of **Resolution No. 5180-14** Approving with Conditions, the Architectural Review Application for the Nyberg Rivers Shopping Center Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 2700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100 (AR-13-07)

ISSUE BEFORE THE COUNCIL:

Council will consider Resolution No. 5180-14 Approving with Conditions, the Architectural Review Application for the Nyberg Rivers Shopping Center Located at 7455-7925 SW Nyberg Street.

RECOMMENDATION:

Staff recommends that Council adopt Resolution No. 5180-14 approving with conditions, the Architectural Review application for the Nyberg Rivers Shopping Center.

EXECUTIVE SUMMARY:

CenterCal Properties LLC (CenterCal) submitted an Architectural Review application. The Architectural Review Board (ARB) conducted a public hearing on December 3, 2013, and December 16, 2013, to consider the application. The ARB evaluated the architectural features of the application in accordance with the Community Design Standards of TDC Chapter 73 and the Council's decision on MP-13-01 and CUP-13-04 and approved the application with conditions. The ARB decision was appealed to City Council by Zian Limited Partnership, a neighboring shopping center, for a *de novo* hearing. On January 27, 2014, City Council held a quasi-judicial hearing on the Architectural Review application. The City Council considered the information and testimony presented at the hearing and deliberated to a decision. The City Council voted 7-0 to approve with conditions the Architectural Review application for the Nyberg Rivers Shopping Center. Resolution No. 5180-14 will be the final written order of the City Council on the Architectural Review application.

Attachments: Resolution No. 5180-14
Reso No 5180-14 Exhibits

RESOLUTION NO. 5180-14

RESOLUTION APPROVING WITH CONDITIONS THE ARCHITECTURAL REVIEW APPLICATION FOR THE NYBERG RIVERS SHOPPING CENTER LOCATED AT 7455-7925 SW NYBERG STREET (TAX MAP 2S1 24 A, TAX LOTS 1601, 1602, 1900, 2502, 2506, 2507, 2508, AND 2700; TAX MAP 2S1 24B, TAX LOTS 2000, 2001, AND 2100 (AR-13-07)

WHEREAS, Center Cal Properties LLC submitted an Architectural Review application for the Nyberg Rivers Shopping Center; and

WHEREAS, the application was considered by the Architectural Review Board and a decision issued; and

WHEREAS, a request for review of the Architectural Review Board decision was filed; and

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on January 27, 2014, to consider the request for review; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, the City Council heard and considered the testimony and information presented by the City staff, the applicant, the appellant, and those appearing at the public hearing; and

WHEREAS, the City Council finds that with the conditions imposed, the applicant has provided sufficient evidence to demonstrate that all of the architectural review features requirements of the Tualatin Development Code relative to the decision have been satisfied; and

WHEREAS, after the conclusion of the public hearing, the Council voted unanimously to approve the application with conditions.

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

Section 1. The application for Architectural Review for the Nyberg Rivers Shopping Center, which is attached as "Exhibit 1" and incorporated by reference, is approved with the following conditions:

AR-1 Prior to issuance of any grading permits or other on-site work on the entirety of the subject site per CWS, TVF&R and ODOT:

- A. CWS: Submit to the City of Tualatin Planning Division a copy of the Clean Water Services Site Development Permit to show compliance with the following:

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. 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:

- 1. Detailed plans prepared in accordance with Chapter 2, Section 2.04.2.b-l.*
- 2. Detailed grading and erosion control plan. An Erosion Control Permit will be required.*
- 3. 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. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C Erosion Control Permit.*
- 4. Detailed plans showing the development having direct access by gravity to public storm and sanitary sewer.*
- 5. 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.*
- 6. 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.*
- 7. 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.*
- 8. 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.

9. *Application may require additional permitting and plan review from the District's Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.*
10. *Site contains a "Sensitive Area." Applicant shall comply with the conditions as set forth in the Service Provider Letter No. 13-000801, dated April 4, 2013.*
11. *Clean Water Services shall require an easement over the Vegetated Corridor conveying storm and surface water management to Clean Water Services that would prevent the owner of the Vegetated Corridor from activities and uses inconsistent with the purpose of the corridor and any easements therein.*
12. *Detailed plans showing the sensitive area and corridor delineated, along with restoration and enhancement of the corridor.*
13. *Provide DSL and Corps of Engineers permits for any work in the wetlands or creek prior to any on site work, including grading and erosion control. Include permit number on cover sheet of plans or provide concurrence with the delineation.*
14. *Any proposed offsite construction activities will require an update or amendment to the current Service Provider Letter for this project.*

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.

- B. Fire: Provide the City of Tualatin Planning Division evidence/documentation that the following has been reviewed and approved. Submit plans to TVF&R for review and approval showing the following.
 1. Parking lots and drive aisles able to sustain 60,000 pounds GVW and 12,500 pounds point load.
 2. Please provide a full size scaled drawing at a scale of 1" = 40' or 1" = 50' for verification of turning radius.
- C. ODOT: The applicant shall obtain an ODOT Permit for construction of the bike lane, right turn lane, planter strip, sidewalk, landscape buffer, retaining wall and drainage within the state highway right of way. Tree placement and design shall be consistent with the ODOT Highway Design Manual or a design exception shall be obtained. The types of

trees to be approved by ODOT. Applicant shall enter into a Cooperative Improvement Agreement with ODOT to address ODOT permit requirements, providing graffiti removal and maintenance of the retaining wall including and the transfer of ownership of the improvement to ODOT. The agreement shall address the work standards that must be followed, maintenance responsibilities, and compliance with ORS 276.071, which includes State of Oregon prevailing wage requirements.

To facilitate the closure of SW 75th Ave (private), the applicant shall:

- 1. Ensure that a permanent access easement is recorded to provide access to a public roadway (Nyberg Rd) for tax lots 2508, 2502, 2506, 2100, 2507, and 2700.*
- 2. Record a 15ft maintenance easement adjacent to the retaining wall and a maintenance vehicle access easement through the development with ODOT.*

Illumination within the ODOT right of way must be in accordance with AASHTO illumination standards and the ODOT Lighting Policy and Guidelines, January 2003, which states that local jurisdictions must enter into an intergovernmental agreement (IGA) with ODOT wherein the local jurisdiction is responsible for installation, maintenance, operation, and energy costs.

Noise Advisory:

The applicant is advised that outdoor activity areas on the proposed site may be exposed to traffic noise levels that exceed federal noise guidelines. Builders should take appropriate measures to mitigate this impact. It is generally not the State's responsibility to provide mitigation for receptors that are built after the noise source is in place.

- AR-2 No building permit shall be issued by the Building Official for the City of Tualatin for the erection, construction, conversion or alteration of any building or structure or use of land unless the Community Development Director or designee has first determined that such land use, building or structure, as proposed, would comply with the Tualatin Community Plan and Development Code (TDC 31.114).
- AR-3 Prior to Issuance of the Building Permit for construction of any of the buildings on the entirety of the subject site, the applicant shall submit a revised plan set inclusive of the following for review and approval. Provide evidence or documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building construction permit:

A. Architecture

1. All roof top equipment on all buildings shall be entirely screened from view from all sides and from all public sidewalk vantage points 6-feet above grade (TDC 73.150 (18)).
2. On the west side of Cabela's, the entirety of the load dock screen wall as shown on plan sheet A3.10a shall be at least 15-feet high and opaque to fully screen a semi-trailer truck (TDC 73.390(3)).
3. On the north side of Michael's (building D-110) install a 15-foot high wall to screen, a semi-trail truck parked at the loading dock to meet Condition N of Resolution 5163-13.
4. Add manufactured stone veneer columns and the trellis architectural features to the west side of Cabela's to match the north and east elevations to meet Condition M of Resolution 5163-13.
5. The applicant shall construct the west elevation (along the pedestrian walkway) of Cabela's including the stone veneer and wood screen wall with the architecture proposed on page 5.3 and 5.4 of the December 9th submittal booklet. The applicant shall also add the architectural features shown in the picture below to all sides and all corners of the building as proposed during the master plan. The applicant shall also add all architectural features shown on page 30 of the December 3rd presentation to the Architectural Review Board. In addition the Cabela's building shall also add the trellises shown on the north side of Cabela's on page A3.10a of the complete plan set intake stamped date November 12, 2013 to the south side of the building. These trellises shall be 62-feet wide, 18-feet in height, and have three stone veneer columns exactly like the trellises shown on the north side of the building. The applicant shall also screen the trash compactor with the exact same treatment as the proposed Cabela's loading dock screen wall shown on page 5.3 and 5.4 of the December 9th submittal booklet.



6. The northwest and northeast elevation of building N-100 shall be upgraded with architectural features that match the quantity and quality of the features shown on the southwest and southeast elevation of the building to meet Condition L of Resolution 5163-13.

7. Elevations and building permit application shall be revised to show building N-100 (LA Fitness) to have a 45-foot building height inclusive of any architectural features (TDC 53.090).
8. The north side of New Seasons, Michaels, and Home Goods shall be upgraded with the same quantity and quality of architecture shown in the front of the buildings. This includes showing more reliefs, more changes in color, and more material changes and other elements to break up large massing to improve pedestrian scale over what was proposed with the December 9th submittal packet.
9. The entirety of the east side of Restaurant 1030 shall be upgraded to have the same quality and quantity of architectural features as shown on the front façade. This includes showing reliefs, changes in color, and material changes. The upgrade shall also show the windows and awnings proposed with the December 9th submittal.
10. The south side of the Home Goods architecture shall be enhanced to provide a change in roof line, more changes in color, more reliefs, and more material changes. The south elevation of Home Goods shall be further explored, developed, enhanced to create a stronger focal point and entry for the site.
11. The applicant shall install the lighting fixtures along the entirety of the plaza area shown on page 5.4 of the December 9th submittal booklet.
12. Any retaining walls shall be decorative like the right image on sheet 9.0 of the December 9th submittal booklet. Plain retaining walls as shown on the left image on sheet 9.0 are not acceptable, and shall be upgraded with a stone veneer. The architectural treatment on the retaining wall for the Nyberg Street right turn lane shall be approved by ODOT in coordination with the City of Tualatin.

B. Civil:

1. On the revised grading plan show all preserved trees protected with sturdy fencing (chain link fence) during the construction process.
2. A note shall be placed on the grading plans that states, "No grading activities will allow preserved tree roots to remain exposed per TDC 73.250(2)(f)."
3. Provide for required vanpool and carpool spaces on the striping and signage plan.
4. All site plan amendments shall reflect required revised and approved planning site plan.

C. Landscaping and Irrigation

1. Fill in the street tree gaps along all public and public-like streets to match the City standard of 30-feet on center (TDC 74.765 and Map 74-1) (landscape plan sheet L1.0-L1.2)
2. Choose from the City's street tree list for SW Nyberg Street frontage and the main entrance frontage (TDC 74.765 and Map 74-1). Unapproved trees such as Beach Plum, Quaking Aspen, and Serviceberry are shown (landscape plan sheet L1.0-L1.2). Street Tree List: <http://www.tualatinoregon.gov/developmentcode/tdc-chapter-74-public-improvement-requirements#74.765>
3. Replace all "Central Oregon" species with either "Coast Range" or "Tualatin River" species (landscape plan sheets L1.0-L1.9) to meet Condition T of Resolution 5163-13.
4. An irrigation system is required pursuant to TDC 73.280. Supply an irrigation plan. The future irrigation plan shall relocate all City irrigation lines and install a water meter with doublecheck to assure continued service (TDC 73.280). The irrigation plan shall also supply lines to the ODOT frontage. The irrigation plan shall be approved by ODOT for the ODOT frontage. A permit from ODOT shall be obtained for installation of the irrigation system.
5. On the south side of the trail between the west end of building D-130 and the east end of building 1010, plant 2 canopy trees and 4 understory trees per 100 lineal feet. No Central Oregon plant species allowed per 73.020.
6. Add six more Vine Maples to the northwest side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
7. Add two more Vine Maples to the northeast side of LA Fitness (building N-100) or other similar tall growing shrub or small tree in the planter strip to break up the massing of the building per 73.020.
8. Move trees and shrubs to appropriate locations from the edge of the shared pathway shy area so routine pruning to prevent branches/plants from encroaching over shy or path when full grown is not required. This does not include tree that can have branches pruned to maintain an eight to ten foot clearance above shared paths (73.160(3)(e) and 73.260(5)).
9. Provide a note on the revised landscaping plans that shrubs in all parking areas will be maintained to not exceed 30-inches in height and that all trees will be maintained to not extend below 8-feet measured from grade pursuant to TDC 73.160(3)(e).
10. Show all trees preserved in the C2 series of preliminary plans protected with chain link fence or other sturdy fencing through the duration of the construction process per 73.250(2)(6).

11. The applicant shall plant all coniferous to at least 8-feet in height as proposed.
12. The applicant shall plant deciduous trees to at least 2-inches in caliper at breast height as proposed.
13. Pursuant to TDC 73.290(1) the revised site and grading plans shall include a specification for replanting areas where existing vegetation or landscaping has been removed or damaged through grading and construction activities.
14. Add or demarcate where 15 additional Douglas Fir, Western Red Cedar, or other tall-maturing conifer trees were placed on tax lot 2502 pursuant to Condition T of Resolution 5163-13. Add an additional landscaping sheet in the revised landscaping plans that show specific compliance with Condition T of Resolution 5163-13.
15. Add or demarcate where the replacement trees pursuant to Condition S of Resolution 5163-13 are shown. Deciduous replacement trees shall be at least 3-inches in caliper at breast height and coniferous trees shall be at least 10 feet in height at time of planting. Add an additional landscaping sheet that shows specific compliance with Condition S of Resolution 5163-13.
16. Add the bike parking plans to the site and landscaping plans. Show revised landscaping based on placement of bike racks and covered bike storage. Show a 5-foot clear concrete or asphalt walkway around all bike parking per 73.370(1)(p).
17. Show that planting around trash enclosure walls will be evergreen exclusive of the bike rack pursuant to TDC 73.227(6)(b)(iii).
18. Show how the proposed ground cover will fully cover the ground in 3 years pursuant to TDC 73.240(11).
19. Provide evidence and/or documentation that the trees proposed for the diamond planters will meet Condition P of Resolution 5163-13.
20. Landscaping abutting I-5 shall be consistent with the ODOT approved list.

D. Lighting

1. Provide elevations and/or spec sheets of all proposed lighting to determine if cut-offs meet TDC 73.160(3)(c) and 73.380(6).
2. Provide a lighting plan that shows all light measurements down to .1 foot candles as it passes over the property line per 73.380 (6).
3. Light poles shall be LED with pedestrian scale lighting at the entries to the subject site as proposed.
4. Show how lights without full cut-off will not cause light pollution.

E. Fire (See TVF&R full comment letter for explanation).

1. New buildings shall have full NFPA 13 fire sprinklers.
2. Identify aerial apparatus access lanes on each building in excess of 30 feet in height.
3. A parking restriction sign plan (OFC D103.6).
4. A fire lane curb marking plan (OFC 503.3).
5. Any proposed gates with approved Fire District lock mechanisms.
6. A current fire flow test of the nearest fire hydrant demonstrating available flow at 20 psi residual pressure as well as fire flow calculation worksheets. Please forward copies to both TVF&R as well as local building department. Fire flow calculation worksheets as well as instructions are available at www.tvfr.com. Please provide fire flow calculation worksheets for each new building on the campus.
7. A fire hydrant distribution plan based on fire flow calculations.
8. Bollards at each new fire hydrant and fire department connection.
9. Fire sprinkler Fire Department connections shall be plumbed to the fire sprinkler riser downstream of all control valves.
10. Each new building is to be afforded with a Knox box.
11. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries emergency services.

F. Planning

1. All crosswalks shown to be striped on sheet C1.0 of the plan set shall be made of different raised material such as solid colored thermal plastic. Crosswalks made with paint only are not allowed per 73.160(1)(a)(iii).
2. All crosswalks shown to be a brick or paver pattern shall be created of raised brick or pavers of a significantly different color than the underlying asphalt or cement per 73.160(1)(a)(iii). Raised and scored colored concrete is acceptable.
3. The accessway proposed on plan set sheet C1.3 from northeast side of building 1040 to the edge of the sensitive area containing the Tualatin River Greenway shall be at least 8-feet wide and constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).
4. The 14-foot wide accessway from the rear of building 1010 on tax lot 1601 to the Tualatin River Greenway shall be constructed of Portland Concrete Cement pursuant to TDC 73.160(1)(d).

5. Show all mechanical and electrical equipment on site. Show that all electrical and mechanical equipment will be fully screen with landscaping, fencing, or a wall pursuant to TDC 73.160(4)(a).
6. Refine the site plan to show refuse and recycling storage areas for building A, B, C, E-100, D-130, D-125, D-120, and D-110 that meet Section 73.227. These include the existing recycling and refuse storage areas that exist and are not shown on the site plan. In addition building 1005 shows a trash compactor and bicycle parking in the same area. This conflict shall be rectified through a revised site and refuse plan.
7. Place a note on the grading, landscaping, and tree preservation plan that neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved pursuant to TDC 73.250(2)(d).
8. Pursuant to 73.370(1)(a), show designated carpool and vanpool spaces on the revised site plan.
9. Pursuant to 73.370(1)(u) a bike parking signage plans shall be submitted in the revised plan set and through the sign plan package for site signage. Bike parking directional signage shall be placed at the main pedestrian entrance for each building if bike parking is not within 50-feet and viewable from the pedestrian main entrance.
10. 53 carpool or vanpool spaces shall be indicated in a revised site plan and signed or otherwise designated in the parking lot per 73.370(1)(x).
11. All internal walk ways, access ways, crosswalks, and sidewalks shall be at least 6-feet in width pursuant to TDC 73.160(1)(a)(ii). A reduction may be requested if existing sidewalk.
12. Show where recycling will be located on a revised trash enclosure and site plan to meet TDC 73.226(5).
13. Show that trash enclosure doors can open wider than a 90-degree angle, that there will be no center pole between the trash enclosure doors, and that the doors can be lockable in this open position as requested by the trash hauler.
14. Show how trash and site plan meet TDC 73.227.
15. Provide for required vanpool and carpool spaces on the striping and signage plan.
16. The elevation for building J-100 (BJ's restaurant), do not match the footprint of the site plan, please revise.
17. Revise the west side of the main entrance to be a City standard 5-foot tree well and 9-foot wide pathway.
18. All dog kennels shall be fully screened with the same material used to build Cabela's, (no chain link fencing with slats).

19. All dumpsters and trash cans on the north side of Building A shall be fully screened in an enclosure that matches the building materials of Building A.

G. Parks

1. An additional crosswalk from east of Street A sidewalk to building D-130.
2. Access path to Tualatin River Greenway at Building 1040 needs to be the same width as the main path, 16-feet: a 12-foot path with a 2-foot shy, with a 2-foot shy on either side through the sensitive area.
3. Affirm that access path to Tualatin River Greenway from building N-100 has been eliminated (it is shown on Exhibit M).
4. The connection to the west along the Tualatin River shall be shown within the outer 40-feet from top of bank at the northwest corner of N-100.

H. Artwalk Signage

1. Create a sign plan that shows route to art and location of wayfinding and all other Artwalk signs.

AR-4 The following shall be performed for Washington County prior to the issuance of any City of Tualatin building permit for any and all buildings on the entirety of the subject site. Provide evidence/documentation to the City of Tualatin Planning Division that all items have been completed prior to Planning signing off on any building permit for building construction:

NOTE: Any work within County-maintained right-of-way requires a permit from the Washington County Operations Division (503.846.7623). No private infrastructure can be located within the right-of-way.

- A. The following shall be recorded (contact appropriate jurisdiction for recordation of prepared documents):
 1. All public improvements identified in Washington County's Traffic Staff report dated May 21, 2013 shall be located within public right-of-way and/or easements.
- B. Submit to Washington County Public Assurance Staff, 503-846-3843:
 1. Completed "Design Option" form (a form that states who will be building the improvements and submitting to the Washington County Road Standards).

2. **\$15,000.00** Administration Deposit.

NOTE: *The Administration Deposit is a cost-recovery account used to pay for County services provided to the developer, including plan review and approval, field inspections, as-built approval, and project administration. The Administration Deposit amount noted above is an estimate of what it will cost to provide these services. If, during the course of the project, the Administration Deposit account is running low, additional funds will be requested to cover the estimated time left on the project (at then-current rates per the adopted Washington County Fee Schedule). If there are any unspent funds at project close out, they will be refunded to the applicant. **PLEASE NOTE:** Any point of contact with County staff can be a chargeable cost. If project plans are not complete or do not comply with County standards and codes, costs will be higher. There is a charge to cover the cost of every field inspection. Costs for enforcement actions will also be charged to the applicant.*

3. A copy of the City's Land Use Approval with Conditions, signed and dated.
4. Three (3) sets of complete engineering plans for construction of the following public improvements (refer to attached Traffic Staff Report dated May 21, 2013):
 - a. A westbound right-turn lane on SW Nyberg Road.
 - b. Two (2) southbound left-turn lanes and a shared through/right-turn lane from the site's access on SW Nyberg Road and two (2) inbound receiving lanes.
 - c. Modify the traffic signal to accommodate the widening of the driveway and the westbound right turn movement.

C. Obtain a Washington County Facility Permit upon completion of the following:

1. Obtain Engineering Division approval and provide a financial assurance for the construction of the public improvements listed in condition **AR-3.B.4.**

NOTE: The Washington County Public Assurance staff (503-846-3843) will send the required forms to the applicant's representative **after** submittal and approval of items listed under **AR-3.B.4.**

The Facility Permit allows construction work within County rights-of-way and permits site access only after the developer first submits plans and obtains Washington County Engineering approval, obtains

required grading and erosion control permits, and satisfies various other requirements of Washington County's Assurances Section including but not limited to execution of financial and contractual agreements. This process ensures that the developer accepts responsibility for construction of public improvements, and that improvements are closely monitored, inspected, and built to standard in a timely manner. Access will only be permitted under the required Washington County Facility Permit, and only following submittal and County acceptance of all materials required under the facility permit process.

- D. Pay a lump sum of \$10,000 to the County for field visit and retiming of the existing corridor signal system with the recommended traffic signal phasing change at main entrance intersection into the subject site.

AR-5 Prior to Occupancy of any building on the entirety of the subject site:

- A. Obtain a finalized Washington County Facility Permit, contingent upon the following:
 - 1. The road improvements required in condition **AR-3.B.4** above shall be completed and accepted by Washington County.
- B. The applicant shall show evidence to City of Tualatin staff that the diamond planter trees were installed consistent with the approved AR planting specifications.
- C. Provide a copy of the subject site's landscape and maintenance manual as required by Condition R of Resolution 5163-13.
- D. Survey and stake area of easements in areas not to be constructed at this time. The City shall approve the location of the easement prior to its acceptance per 74.310(1). (Please see Public Facilities Report for more information)
- E. Submit a tree maintenance plan as required by Condition R of Resolution 5163-13.
- F. Provide an arborist's report that the trees in the diamond planters have been planted properly and according to Condition Q of Resolution 5163-13.

AR-6 All conditions of approval, except where otherwise stated, shall be subject to field inspection prior to Certificate of Occupancy.

AR-7 No trees shall be removed associated with Seneca Street until the Seneca extension is approved.

- AR-8 Trees along the shared pathways will be maintained to have an 8-foot vertical clearance per TMC 74.725(2).
- AR-9 To meet the requirement of 73.100(2), all building exterior improvements approved through the Architectural Review Process shall be continually maintained including necessary painting and repair so as to remain substantially similar to original approval through the Architectural Review Process, unless subsequently altered with Community Development Director approval, as a condition of approval.
- AR-10 To meet the requirement of 73.100(1), all landscaping approved through architectural review (AR) shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered through AR.
- AR-11 The applicant shall separately from this AR submit sign permit applications for any proposed signage. Pursuant to TDC 73.160(3)(d), provide an identification system which clearly locates buildings and their entries for patrons and emergency services.
- AR -12 Encroachment upon any identified preserved trees must occur under the direction of a qualified arborist to assure the health needs of trees within the preserved area per TDC 73.250(2)(e).
- AR-13 Except as allowed by Subsection (2), all landscaping and exterior improvements required as part of the Community Development Director's, Architectural Review Board's or City Council's approval shall be completed in addition to Fire and Life Safety, and Engineering/Building Department requirements prior to the issuance of any certificate of occupancy (TDC 73.095).
- AR-14 The subject site shall comply with all ADA standards.

Section 2. The City Council adopts as its Findings and Analysis the findings set forth in "Exhibit 2," which is attached and incorporated by reference.

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibits to Resolution No. 5180-14 are available
upon request in the Administration
Department.

18861 SW Martinazzi Ave, Suite 200

Tualatin, OR 97062

503.691.3011



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 02/10/2014

SUBJECT: Consideration of **Resolution No. 5179-14** Approving with Conditions, a Public Utilities Decision for the Nyberg Rivers Shopping Center Development Located at 7455-7925 SW Nyberg Street (Tax Map 2S1 24A, Tax Lots 1601, 1602, 1900, 2502, 2506, 2507, 2508, and 1700; Tax Map 2S1 24B, Tax Lots 2000, 2001, and 2100)

ISSUE BEFORE THE COUNCIL:

Council will consider Resolution No. 5179-14 approving with conditions, a public utilities decision for the Nyberg Rivers Shopping Center Development.

RECOMMENDATION:

Staff recommends Council approve Resolution No. 5179-14 approving with conditions, a Public Facilities Decision for the Nyberg Rivers Shopping Center.

EXECUTIVE SUMMARY:

CenterCal Properties LLC (CenterCal) submitted an application for a Public Utilities decision for the Nyberg Rivers Shopping Center development. The City Engineer issued a Public Utilities decision on December 20, 2013. The Public Utilities decision was appealed to City Council by Zian Limited Partnership, a neighboring shopping center, for a *de novo* hearing. On January 27, 2014, City Council held a quasi-judicial hearing on the Public Utilities application. The City Council considered the information and testimony presented at the hearing and deliberated to a decision. The City Council voted 7-0 to approve with conditions the Public Utilities application for the Nyberg Rivers Shopping Center. Resolution No. 5179-14 will be the final written order of the City Council on the Public Utilities application.

Attachments: Resolution No. 5179-14 Utilities Decision
Reso No 5179-14 Exhibits

RESOLUTION NO. 5179-14

RESOLUTION APPROVING WITH CONDITIONS A PUBLIC UTILITIES APPLICATION FOR THE NYBERG RIVERS SHOPPING CENTER DEVELOPMENT LOCATED AT 7455-7925 SW NYBERG STREET (TAX MAP 2S1 24 A, TAX LOTS 1601, 1602, 1900, 2502, 2506, 2507, 2508, AND 2700; TAX MAP 2S1 24B, TAX LOTS 2000, 2001, AND 2100)

WHEREAS, Center Cal Properties LLC submitted a Public Utilities application for the Nyberg Rivers Shopping Center; and

WHEREAS, the City Engineer issued a Public Utilities decision on December 20, 2013; and

WHEREAS, a request for review of the City Engineer's Public Utilities decision was filed; and

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on January 27, 2014, to consider the request for review; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, the City Council heard and considered the testimony and information presented by City staff, the applicant, the appellant, and those appearing at the public hearing; and

WHEREAS, after conclusion of the public hearing, the Council voted unanimously to approve the application with conditions.

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

Section 1. The application for Public Utilities for the Nyberg Rivers Shopping Center, which is attached as "Exhibit 1" and incorporated by reference, is approved with the following conditions:

PRIOR TO ISSUANCE OF A WATER QUALITY PERMIT:

- PFR-1 The applicant shall grant a public stormwater facility easement for the public stormwater facility.
- PFR-2 The applicant shall submit revised plans that show all private stormwater treatment facilities and lines; including the filter vault at the intersection of the private access easement acting as the Loop Road is shown within SW Nyberg Street to be located on private property, for review and approval.
- PFR-3 The applicant shall submit final plans that show three LIDA planters within parking landscaping south of building 1030 and east of building 1040, for review and approval.
- PFR-4 The applicant shall submit revised plans that do not show the LIDA rain garden over public easements, for review and approval.
- PFR-5 The applicant shall submit revised plans that show access easements to the public stormwater facility and manholes, for review and approval.
- PFR-6 The applicant shall grant a public access easement to the public stormwater facility and manholes.
- PFR-7 The applicant shall submit revised plans that include a complete and connected stormwater treatment and conveyance system for the parking lot north of the City offices, for review and approval.
- PFR-8 The applicant shall submit final plans that show mechanical filters treating the public Street "A" and future SW Seneca Street, for review and approval.
- PFR-9 The applicant shall submit final plans that comply with the Service Provider Letter conditions and Clean Water Services Memorandum comments, for review and approval.
- PFR-10 The applicant shall obtain a Stormwater Connection Permit.

PRIOR TO ISSUANCE OF A PUBLIC WORKS PERMIT:

- PFR-11 The applicant shall submit revised plans that show the existing public fire hydrant at the northwest corner of building D-130 labeled as public.
- PFR-12 The applicant shall submit revised plans of SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street “A” to right-in/right-out movement, for review and approval.
- PFR-13 The applicant shall submit revised plans that show a crosswalk at the intersection of SW Boones Ferry Road and Street “A” that includes material that is visually different and possibly raised, for review and approval.
- PFR-14 The applicant shall submit revised plans that show SW Seneca Street from SW Martinazzi Avenue connecting to the Nyberg Rivers site for construction up to the requirements stated in Resolution 5163-13, without on-street parking, with signalization at SW Seneca Street & SW Martinazzi Avenue, for review and approval.
- PFR-15 The applicant shall submit a copy of the ODOT Permit and Washington County Facility Permit for construction of SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip and a retaining wall with a hand rail on top and close SW 75th Avenue’s access.
- PFR-16 The applicant shall submit final plans for SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13, for review and approval.
- PFR-17 The applicant shall grant a public sidewalk easement from right-of-way to back of sidewalk adjacent to SW Nyberg Street.
- PFR-18 The applicant shall submit revised plans for the Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City’s standard 5’x5’ tree wells within the 14-foot wide shared path, for review and approval.
- PFR-19 The applicant shall submit final plans from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side, for review and approval.

- PFR-20 The applicant shall submit final plans that show along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side, for review and approval.
- PFR-21 The applicant shall submit final plans that show two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road that will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.
- PFR-22 The applicant shall submit revised plans that show a raised crosswalk at the intersection of the greenway trail and Street “A”, for review and approval.
- PFR-23 The applicant shall grant a maintenance agreement to City standards for all cross-sections of the Loop Road.
- PFR-24 The applicant shall grant a public access easement over all cross-sections of the Loop Road.
- PFR-25 The applicant shall submit revised plans that show an approved street name in place of Street “A”, for review and approval.
- PFR-26 The applicant shall submit revised plans that show a 32-foot wide access to the City’s back parking lot approximately 140 feet south of SW Boones Ferry Road without requiring relocation of existing structures, for review and approval.
- PFR-27 The applicant shall submit revised plans that show the Heron’s Landing Apartments driveway cut to be a minimum of 32-feet wide with associated 40-foot private access easement and located opposite the City parking lot access approximately 140 feet south of SW Boones Ferry Road, for review and approval.
- PFR-28 The applicant shall submit a copy of the private access easement allowing Heron’s Landing Apartments access to Street “A”, for review and approval.
- PFR-29 The applicant shall submit revised plans that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.

- PFR-30 The applicant shall submit copies of the recorded documents that show private access easements for the lots with buildings E-100, F-100, G-100, and H-100 to allow circulation from the intersection of the public access easement acting as the Loop Road from SW Nyberg Street through the east parking area to south of building 1010, for review and approval.
- PFR-31 The applicant shall submit a copy of the private access easement from TLID 2S124B002000 through TLID 2S124B001602 to a public right-of-way, for review and approval.
- PFR-32 The applicant shall submit final water system plans, for review and approval.
- PFR-33 The applicant shall grant a 15-foot wide public water line easement over proposed public water lines.
- PFR-34 The applicant shall submit revised plans that show access easements to public water lines, for review and approval.
- PFR-35 The applicant shall grant an access easement to public water lines.
- PFR-36 The applicant shall submit copies of private water line easements.
- PFR-37 The applicant shall submit revised plans that minimize private water lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.
- PFR-38 The applicant shall submit revised plans that show trees located outside public water line easements, for review and approval.
- PFR-39 The applicant shall submit revised plans that show the public water line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.
- PFR-40 The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.
- PFR-41 The applicant shall submit sanitary sewer system plans, for review and approval.
- PFR-42 The applicant shall grant a 15-foot wide public sanitary sewer line easement over proposed public water lines.
- PFR-43 The applicant shall submit revised plans that show access easements to public sanitary sewer manholes, for review and approval.

- PFR-44 The applicant shall grant an access easement to public sanitary sewer manholes.
- PFR-45 The applicant shall submit revised plans that minimize private sanitary sewer lines crossing public utility easements and only cross perpendicular to the public lines, for review and approval.
- PFR-46 The applicant shall submit revised plans that show trees located outside public sanitary sewer line easements, for review and approval.
- PFR-47 The applicant shall submit revised plans that show the public sanitary sewer line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.
- PFR-48 The applicant shall submit revised stormwater system plans that include the public stormwater treatment facility within a public stormwater easement outside of the public water line easement, for review and approval.
- PFR-49 The applicant shall submit revised plans that minimize private stormwater lines crossing public utility easements and only cross perpendicular to the public lines and private facilities and structures located outside of public easements, for review and approval.
- PFR-50 The applicant shall submit revised plans that show trees located outside public stormwater line easements, for review and approval.
- PFR-51 The applicant shall submit revised plans that show access easements to public stormwater manholes, for review and approval.
- PFR-52 The applicant shall grant an access easement to public stormwater manholes.
- PFR-53 The applicant shall submit revised plans that show the public stormwater line south of the City Offices will need to be relocated to within SW Seneca Street, for review and approval.

PRIOR TO ISSUANCE OF A BUILDING PERMIT:

- PFR-54 The applicant shall submit plans that comply with fire protection requirements as determined through the Building Division and Tualatin Valley Fire & Rescue (TVF&R).
- PFR-55 The applicant shall obtain all Public Works and Water Quality Permits needed for this development.
- PFR-56 The applicant shall obtain a Public Works Permit for all cross-sections of the Loop Road.

- PFR-57 The applicant shall obtain a City of Tualatin erosion control permit that includes the entire site area to be disturbed.
- PFR-58 The applicant shall submit an amended 1200-C for the remainder of the site, for review and approval.
- PFR-59 The applicant shall submit a completed FHADP application with a plan showing the balanced cut and fill and a 1st survey.
- PFR-60 The applicant shall submit revised plans that show a trail connection from the development north of building 1040 that includes a 16-foot wide greenway trail easement that that allow for future construction of a cross section of a 12-foot wide path with additional 2-feet on either side for LIDA water quality treatment, for review and approval.
- PFR-61 The applicant shall submit revised plans that show the greenway trail connection to the west along the Tualatin River within 40-feet of the top of bank, for review and approval.
- PFR-62 The applicant shall submit revised plans that show a greenway trail connection on the west side of I-5 at the Tualatin River to access future north (south of shared pathway at locations shown on Exhibit M (Transportation Plant) in the Master Plan set, for review and approval.
- PFR-63 The applicant shall submit revised plans that show a greenway trail easement over the three future viewing areas north of building 1040 and N-100, for review and approval.
- PFR-64 The applicant shall grant an easement to allow for the trail to be located either within the area south of Heron's Landing Apartments and the Tualatin River and north of the development or for a specific approved location as shown with an associated Clean Water Services Service Provider Letter.
- PFR-65 The applicant shall submit final plans that show a 14-foot public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road, for review and approval.
- PFR-66 The applicant shall grant a 14-foot easement for a public shared pathway from the greenway trail between buildings 1010 & 1030 and 1040 that connects to the public access easement acting as the Loop Road.

PRIOR TO A FRAMING INSPECTION:

- PFR-67 The applicant shall submit a 2nd survey for the Flood Hazard Area Development Permit.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY:

- PFR-68 The applicant shall construct SW Boones Ferry Road that include a median on the north side of the eastbound travel lane in order to restrict Street "A" to right-in/right-out movement as part of the Public Works Permit.
- PFR-69 The applicant shall construct a crosswalk at the intersection of SW Boones Ferry Road and Street "A" that includes material that is visually different and possibly raised.
- PFR-70 If the applicant obtains the right-of-way for the Seneca Street extension and traffic signal by April 1, 2014, the applicant will design and construct the Seneca Street extension along with a new signal at the SW Martinazzi Avenue/SW Seneca Street intersection per the Public Works Construction Code under a public works permit or if the applicant is unable to obtain the right-of-way by April 1, 2014, the applicant will provide a fee in lieu of the Seneca Street construction to the City in the amount of \$360,000, which accounts for the applicant's share of the improvements.
- PFR-71 If the east extension of SW Seneca Street is constructed, the applicant will need to extinguish and close the private access easement, Washington County recorded document 8295, Book 773, Page 873, exists over City owned TLID 2S124B001900.
- PFR-72 The applicant shall construct SW Nyberg Street from I-5 to SW Tualatin Sherwood Road to add a 5-foot bike lane, a 15-foot westbound right-turn lane, a 4-foot planter strip with curb, streetlights, and trees, a 7-foot sidewalk, and a 2-foot landscape strip prior to a hand rail on top of a retaining wall and close SW 75th Avenue's access.
- PFR-73 The applicant shall construct SW Nyberg Street from SW Martinazzi Avenue to SW Tualatin-Sherwood Road that include two 11-foot westbound travel lanes, a 6-foot bike lane, a varied width 5- to 6-foot curb tight sidewalk with streetlights, and a varied width 4- to 6-foot planter strip with trees in compliance with Resolution 5163-13.
- PFR-74 The applicant shall construct Loop Road from the SW Nyberg Street main intersection north to the south side of building 1010 that includes the City's standard 5'x5' tree wells within the 14-foot wide shared path.

- PFR-75 The applicant shall construct a cross-section from the south side of building 1010 west to the south side of building D-120 that include two 13-foot travel lanes, a 12-foot pedestrian walkway on the north side with tree wells, a 6-foot planter and 5-foot sidewalk on the south side.
- PFR-76 The applicant shall construct along the west side of buildings D-120, D-125, and D-130 two 14-foot travel lanes, two 17.5-foot angled parking aisles, a 10-foot wide pedestrian walkway on the east side, trees planted in the parking buffers, a 4-foot sloped landscape area on the west side, and a 12-foot multi-use path on the west side.
- PFR-77 The applicant shall construct two 12-foot travel lanes with a pork chop at the intersection of Boones Ferry Road will be mountable for emergency vehicles, 4-foot planter strips with curbs, streetlights, and trees, a 6-foot bike lane and 5-foot sidewalk on the east side, and a 12-foot multi-use path on the west side.
- PFR-78 The applicant shall construct a raised crosswalk at the intersection of the greenway trail and Street "A."
- PFR-79 The applicant shall complete all the public improvements and private water quality facilities and have them accepted by the City.
- PFR-80 The applicant shall construct the public water system.
- PFR-81 The applicant shall construct a public irrigation line to the irrigation system serving the City maintained plantings along I-5 and in the median of SW Tualatin-Sherwood with associated water meter and backflow prevention.
- PFR-82 The applicant shall complete all the public water improvements and have them accepted by the City.
- PFR-83 The applicant shall construct the public sanitary sewer system.
- PFR-84 The applicant shall complete all the public sanitary sewer improvements and have them accepted by the City.
- PFR-85 The applicant shall construct the public stormwater system.
- PFR-86 The applicant shall complete all the public stormwater improvements and have them accepted by the City.
- PFR-87 The applicant shall submit a 3rd survey for the Flood Hazard Area Development Permit.

Section 2. The City Council adopts as its Findings and Analysis the findings set

forth in "Exhibit 2," which is attached and incorporated by reference.

Section 3. This Resolution is effective upon adoption.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibits to Resolution No. 5179-14 are available upon request in the Administration Department.

18861 SW Martinazzi Ave, Suite 200

Tualatin, OR 97062

503.691.3011



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 02/10/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for Gallardo Inc. d.b.a. Super Mercado la Montana 3

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Gallardo Inc. d.b.a. Super Mercado la Montana 3.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Gallardo Inc. d.b.a. Super Mercado la Montana 3.

EXECUTIVE SUMMARY:

Super Mercado la Montana 3 has submitted a new liquor license application under the category of off premises sales. This would permit them to sell factory-sealed malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. The business is located at 8349 SW Tonka St. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council. Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

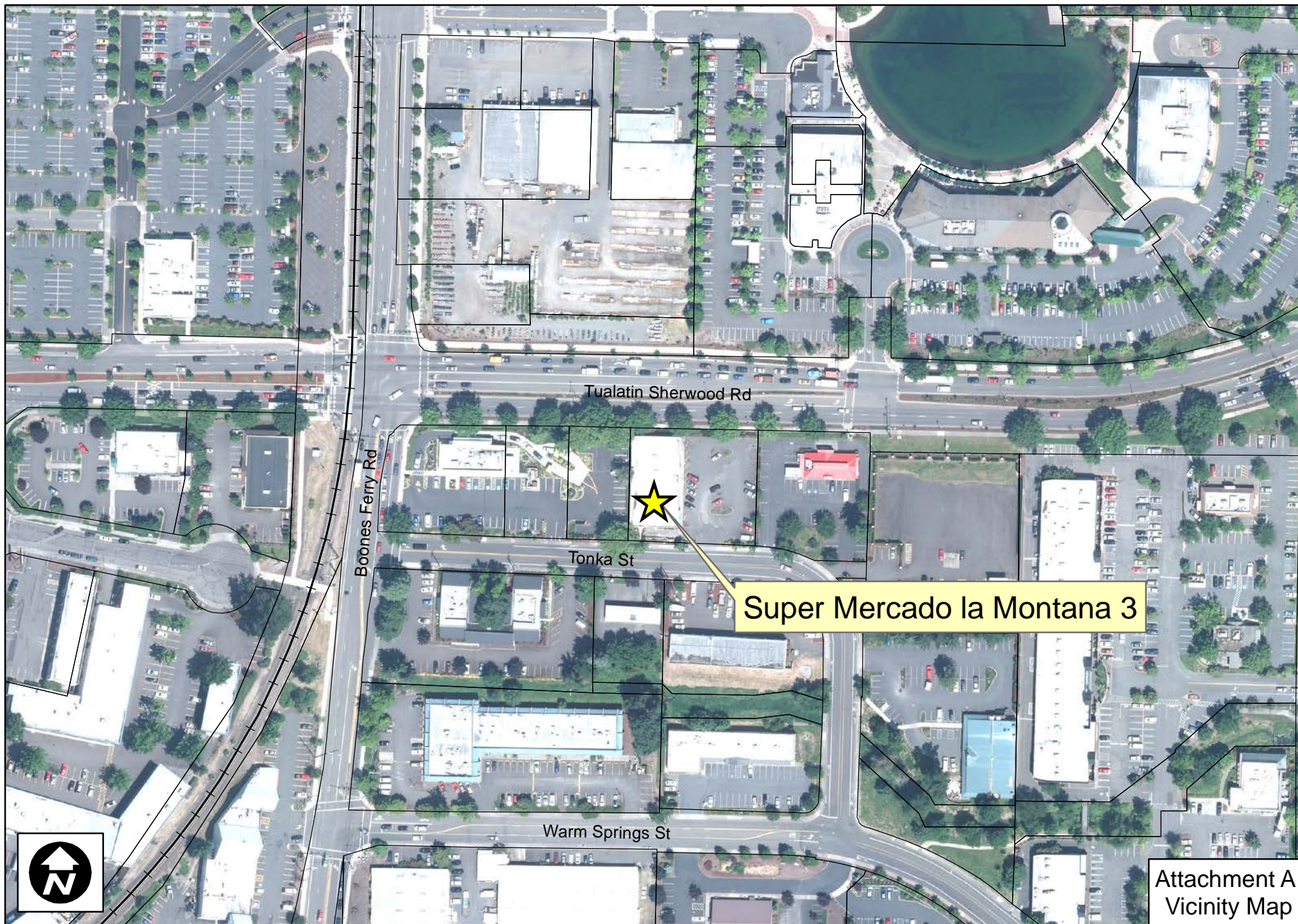
FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)

Attachment B- License Types

Attachment C- Application



OREGON LIQUOR CONTROL COMMISSION

LICENSE TYPES

FULL ON-PREMISES SALES

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

LIMITED ON-PREMISES SALES

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

OFF-PREMISES SALES

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

BREWERY PUBLIC HOUSE

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

WINERY

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



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date

1/17/14

P2
code

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

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

Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

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

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): ballardo Inc D.BA Super Mercado la Montaña 3

Business address 8349 SW Tonka st City Tualatin State OR Zip Code 97062

Mailing address [REDACTED] City [REDACTED] State [REDACTED] Zip Code [REDACTED]

Telephone # 503-858-2547 Fax # _____

Name(s) of business manager(s) First Enrique Middle R Last Chanez

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M ☒ F ☐

Home address [REDACTED] City [REDACTED] State [REDACTED] Zip Code [REDACTED]
(attach additional pages if necessary)

Type of business Mexican Store

Type of food served Mexican Food

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation Sun to Monday 6 am 10 pm ^{store}

Food service hours: Breakfast 9 am Lunch 12 pm Dinner \$30

Restaurant seating capacity 42 Outside or patio seating capacity 0

How late will you have outside seating? 0 How late will you sell alcohol? 8:30 pm

How many full-time employees do you have? _____ Part-time employees? _____

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Gallardo Inc.
Type of liquor license (refer to OLCC form) off premises sale

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

☐ **INDIVIDUAL:** If this box is checked, provide full name, date of birth, and residence address.

Full name _____ Date of birth _____

Residence address _____

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

Full name _____ Date of birth _____

Residence address _____

Full name _____ Date of birth _____

Residence address _____

☒ **CORPORATION:** If this box is checked, complete (a) through (c).

(a) Name and business address of registered agent.

Full name Gallardo Inc.

Business address 8999 SW Tonka street, tualatin OR

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

Full name _____ Date of birth _____

Residence address _____

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

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

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

Full name: _____ Date of birth: _____

Residence address: _____

Full name: Enrique Chavez

Date of birth: [REDACTED]

Residence address: [REDACTED]

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

SECTION 4: APPLICANT SIGNATURE

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

[REDACTED]
Signature of Applicant

Date 1/17/14

For City Use Only

Sources Checked:

☒ DMV by [Signature]

☒ LEDS by [Signature]

☒ TuPD Records by [Signature]

☒ Public Records by [Signature]

☐ Number of alcohol-related incidents during past year for location.

CASE 13-03505

☐ Number of Tualatin arrest/suspect contacts for

CRUZ ROMERO, JOSE LUIS PROVIDE ALCOHOL TO MINOR

It is recommended that this application be:

☒ Granted

☐ Denied

Cause of unfavorable recommendation: _____

[REDACTED]
Signature

1-30-14
Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Don Hudson, Finance Director

DATE: 02/10/2014

SUBJECT: Consideration of **Resolution No. 5183-14** Authorizing the City Manager to Sign a Contract for Community Development Software with CRW Systems, Inc.

ISSUE BEFORE THE COUNCIL:

Consideration of Resolution No. 5183-14, authorizing the City Manager to sign a contract with CRW Systems, Inc. to provide a community development software system to the City of Tualatin

RECOMMENDATION:

Staff recommends Council approve the attached resolution

EXECUTIVE SUMMARY:

Since 1997, the City of Tualatin has been using HTE/SunGard Public Sector software for general ledger, payroll, accounts payable, accounts receivable, cash receipts, purchasing, inventory, utility billing, building permits, business license, and until last year, police records management. The system operates on an AS/400 platform and, while fairly powerful, lacks an open architecture and without the flexibility provided through current technologies, such as .net, provided for in a SQL server environment. This has limited the City's offerings of on-line services (without a significant outlay of funds), the ability to integrate with other systems we currently use, experience internal efficiencies and limited our internal and external reporting capabilities.

On October 14, 2013, the City Council authorized the City Manager to sign a contract with Springbrook Software, Inc. to provide financial software to the City of Tualatin. Not included in this contract, but an integral part of the software analysis, is building permits (currently processed through SunGard), planning and engineering. City staff analyzed Springbrook functionality in those areas, and it was determined that they either did not offer the functionality, or it was insufficient for the City's needs. Springbrook staff provided input on other systems that specialized in community development functionality, and City staff did further research on these recommendations and other systems known to City staff to provide the needed functionality. Numerous demonstrations and discussions have been completed on a number of systems and staff is recommending moving forward with CRW Systems, to provide these community development solutions.

It is the City's intent to develop an implementation strategy to best serve the needs and the most appropriate timing to convert existing data, set-up the new systems and go-live on the different modules. As we put together the implementation strategy, we will assign a project manager, assign responsibilities for the implementation tasks and develop a timeline for implementation. It is anticipated that the strategy will be developed during the first six months of 2014, and any additional one-time costs could be programmed into the 2014-2015 proposed budget. We feel it will be important to fully vet the process and not rush the implementation, as some decisions made during implementation cannot be changed and could impact how we use the system for many years (we are currently living with that scenario with our current system).

Part of the implementation process will include a business process review to determine how we currently provide building permit services and how we could change our processes with the increased software functionality. We anticipate that the new software will provide for efficiencies and our processes could be adapted to provide better and increased options for service delivery. Some examples that we anticipate are more on-line options for our customers, including on-line scheduling of inspections, inspection results, permit status inquiry and the ability of the inspectors to have access to the system in the field to better serve the customer. Electronic plan review is also included in the package, providing for better communication between contractors, outside agencies and staff, which will save time for all parties. Planning and engineering functionality, which the City currently does not have a software solution for, is included in the modules being purchased. This will provide a complete project solution from planning/land use through construction and permitting.

This purchase is in compliance with the City's purchasing rules.

FINANCIAL IMPLICATIONS:

The contract with CRW Systems sets out the conditions and responsibilities of the vendor to provide licensing of the modules purchased, a draft scope of work, a draft project milestone schedule and a project cost summary. The scope of work and project milestone schedule could be changed as the implementation plan is developed, upon mutual agreement of both parties.

The total cost to implement CRW Systems Software, per the aforementioned Project Cost Summary, is \$214,750 and breaks down as follows:

License Fees	\$84,000
Concurrent User Licenses	30,000
Data Conversion	3,500
Training and Implementation	92,250
Business Process Review	5,000

The costs will be spread out across multiple milestones, on a percentage basis, which will cross over two fiscal years, 2013-2014 and 2014-2015. The replacement of software has been included in the City's Capital Improvement Plan the last couple of years. Funding for the purchase and services will come from the Building Fund, which has \$50,000 currently budgeted for software needs in their capital outlay budget. Any amount due in the current fiscal year, over the amount currently budgeted, will be paid out of contingency funds, with the remaining balance to be programmed into the one-time funds in the fiscal year 2014-2015 budget. There are

sufficient funds in both current year contingency and future year one-time balances for this purchase.

Attachments: Resolution No. 5183-14

RESOLUTION NO. 5183-14

AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR
COMMUNITY DEVELOPMENT SOFTWARE WITH CRW SYSTEMS, INC.

WHEREAS, the City of Tualatin has identified a need to upgrade its building permit software package; and

WHEREAS, staff analyzed the wants and needs of a software package and conducted a thorough due diligence process of local government software packages; and

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

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

Section 1. CRW Systems, Inc., provides community development software that best fits the City of Tualatin's needs and is hereby awarded a contract to provide community development software; and

Section 2. The City Manager is authorized to execute a contract with CRW Systems, Inc. to provide and implement a community development software system for the City of Tualatin.

Section 3. The Resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 10th day of February, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

City Council Meeting

E. 1.

Meeting Date: 02/10/2014

SPECIAL Annual Report of the Tualatin Park Advisory Committee
REPORTS:

SPECIAL REPORTS

2013 Annual Report of the Tualatin Park Advisory Committee

2013 TPARK Annual Report



2013 ANNUAL REPORT of the Tualatin Park Advisory Committee (TPARK)

1. BACKGROUND

TPARK was established by Ordinance 418-77, adopted November 28, 1977, and incorporated into the Tualatin Municipal Code as Chapter 11-2. TPARK also serves as the Tree Board for the purpose of the Tree City USA program pursuant to Resolution 2013-87, adopted July 27, 1987.

Section 11-2-090 of the Tualatin Municipal Code calls for an annual report summarizing TPARK's activities in the preceding calendar year, outlining future activities of the committee, and identifying any other matters deemed appropriate by the committee for recommendation and advice to the Council.

The members of TPARK in 2012 were Stephen Ricker, Bruce Andrus-Hughes, Kay Dix, Connie Ledbetter, Dana Paulino, Valerie Pratt (Vice Chair), and Dennis Wells (Chair).

TPARK recognizes and supports the Community Services Department's vision and missions.

Vision Statement

We create community through people, facilities, programs, and the natural environment.

Missions

The following missions help achieve the vision.

- **Strengthen Community Image and Sense of Place**
Parks, library, recreation facilities, programs and community events are key factors in strengthening community image and creating a sense of place.
- **Support Economic Development**
Library, parks, recreation programs and facilities attract and retain businesses and residents, and increase property values.
- **Strengthen Safety and Security**
Parks and libraries provide safe environments for recreation. Facilities, programs and services help reduce criminal activity.
- **Promote Health and Wellness**
Participation at parks and libraries improves physical, psychological, and emotional health.

- **Foster Human Development and an Informed Citizenry**
Libraries and recreation services foster social, intellectual, lifelong learning, physical and emotional development through access to information, programs and materials that promote literacy.
- **Increase Cultural Unity**
Parks, libraries, and recreation increase cultural unity through experiences that promote cultural understanding and celebrate diversity.
- **Protect Natural and Cultural Resources**
Natural and cultural resources are protected through acquisition and management of open space, such as parks, greenways, natural areas; and learning and discovery take place through library collections and interpretive facilities and programs.
- **Provide Recreational Experiences**
A variety of benefits to individuals and society are achieved through participation in programmed and self-facilitated recreation and volunteerism. Recreation experiences are important as an end in themselves for personal enjoyment.

2. ROLES OF THE COMMITTEE

The Tualatin Park Advisory Committee has the duty to

- A. Recommend and makes suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. This shall include, but not be limited to
 - a. the budget process,
 - b. immediate and long-range planning, and
 - c. citizen participation; and
- B. Formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, cultural and leisure needs of all City residents; and
- C. Consider the provisions of any comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin, and other government agencies having plans or projects affecting the City of Tualatin; and
- D. As the City's Tree Board TPARK makes recommendations to staff and Council on Urban Forestry related issues.

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2013

- A. RECOMMEND AND MAKE SUGGESTIONS TO THE CITY COUNCIL REGARDING ALL MATTERS RELATING TO PUBLIC PARKS, PLAYGROUND-RELATED ACTIVITIES AND PROGRAMS

TPARK made a number of recommendations to staff and Council in 2013. Most of the recommendations were informed by public testimony. Citizens and other interested parties shared their thoughts on a range of planning, policy and capital projects including the Transportation System Plan, Ice Age Tonquin Trail Master Plan, Arbor Week, and the Nyberg Rivers development.

1. Recommendations on the Transportation System Plan and Linking Tualatin

2012 was “The Year of Transportation” in Tualatin and between the Transportation System Plan update and Linking Tualatin TPARK spent more time discussing transportation issues than any other issue that year. The culmination of their efforts came in January 2013 when the committee reviewed Plan Text Amendment (PTA)-12-02 which would amend the Tualatin Development Code to include the 2012 TSP. TPARK unanimously recommended to the Tualatin City Council that they adopt PTA-12-02 which was adopted on February 25, 2013.



2. Recommended Council Accept the Ice Age Tonquin Trail Master Plan

The culmination of years of review and input on the development of the Ice Age Tonquin Trail Master Plan, TPARK recommended in January of 2013 that the Tualatin City Council 1) adopt the IATTMP, 2) incorporate the IATTMP into the Parks and Recreation Master Plan and the Tualatin Development Code, and 3) build the Tualatin segments of the IATT as soon as funding becomes available. Council accepted the plan on February 25, 2013.



3. Recommended that Council approve the formation of an Arbor Week ad hoc Committee.

On January 8, 2013 TPARK recommended that Council establish an ad hoc committee to plan the 2013 Arbor Week celebrations. The Arbor Week ad hoc Committee is formed to increase public awareness and education around the contribution that trees have in our lives and produce the Arbor Week proclamation, a requirement of the Tree City USA program. Council approved the formation of the Arbor Week ad hoc Committee on January 28, 2013.



4. Received the 2013 Tualatin Heritage Center Annual Report and recommended that Council accept the report.

Per the 2005 *Agreement for Operation of the Tualatin Heritage Center*, the Tualatin Historical Society provides annual reports summarizing the hours of operation, activities, attendance, fee schedules, revenues and expenditures, accidents, participant evaluations and surveys, staffing changes, marketing efforts, building custodial and maintenance concerns, and other relevant issues to TPARK and the Tualatin City Council.

TPARK received the report on February 12, 2013 and recommended that Council accept the Tualatin Heritage Center Report, which they did on February 25, 2013.

5. Recommendations on the Nyberg Rivers Development.

The Tualatin Park Advisory Committee reviewed the proposed Nyberg Rivers Master Plan to provide the Council with TPARK's comments regarding the extent to which the proposed Nyberg Rivers Master Plan achieves the goals of the Central Urban Renewal District Plan, Goal 6 Pedestrian and Bikeways and Goal 9 Parks, and if it complies with the Tualatin Development Code, Chapter 11.650 Pedestrian, Bicycle, and Multi-Use Path Modal Plan and Chapter 72 Natural Resource Protection Overlay District.

Comments and recommendations were made at TPARK's June meeting and shared with Council along with other public and committee comments in the Master Plan submittal.

B. FORMULATE COMPREHENSIVE AND COMMUNITY-WIDE PARK AND RECREATION SYSTEMS AND PROGRAMS TO SERVE THE HORTICULTURAL, ENVIRONMENTAL, HISTORICAL, RECREATIONAL, CULTURAL AND LEISURE NEEDS OF ALL CITY RESIDENTS

In 2013 TPARK regularly provided input on parks and recreation programs, activities and special events, but they also participated in them. TPARK members volunteered at the West Coast Giant Pumpkin Regatta, Tualatin TRYathlon, Arbor Week Celebration, Centennial Celebration, and other recreation programs.

1. Trail User Counting Project

TPARK members performed the 2013 trail user counts to determine the use of the Tualatin River Greenway. Data in the 2008-2012 Intertwine Trail Use Snapshot show that 490,000 people used the Tualatin River Greenway per year during that time frame. This data is used to establish a national database of bicycle and pedestrian count information generated by these consistent methods and practices and allows analysis on the correlations bicycle and pedestrian activity and local characteristics.



2. Supported the City of Tualatin's Community Development Block Grant application and the Connect V grant application.

TPARK provided letters of support for the City's applications for grants to install a fire sprinkler system at the Juanita Pohl Center and to develop a mile long section of the Tualatin River Greenway.

3. Learned about the HEAL and Let's Move Initiatives.

Discussed how HEAL and Let's Move initiatives can help further the Council goals and TPARK's current and possible future roles. Discussion about ways to market the issue and how City missions, programming, and facilities support healthy, eating and active living, and reducing childhood obesity.

4. Lafky Park Playground Replacement Project

The playground equipment at Lafky Park was replaced this year. The community was invited to attend the Public Design Workshop on Saturday, April 6, 2013 at the park to share their thoughts on what elements the playground should have to meet their family's needs and enhance the park. TPARK hosted a meeting where the outcomes of the Public Design Workshop were presented and TPARK made recommendations on which playground equipment should be purchased and installed. The new playground opened in late summer 2013.



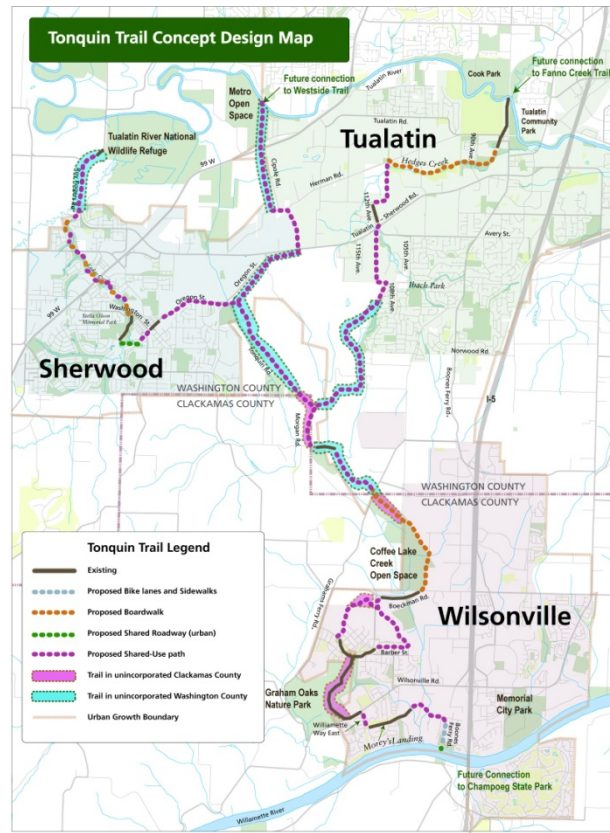
C. CONSIDER THE PROVISIONS OF ANY COMPREHENSIVE PLAN, PROJECT PLAN OR AGENCY PLAN OF THE CITY OF TUALATIN DEVELOPMENT COMMISSION, THE URBAN RENEWAL AGENCY OF THE CITY OF TUALATIN, AND OTHER GOVERNMENTAL AGENCIES HAVING PLANS OR PROJECTS AFFECTING THE CITY OF TUALATIN

1. SW Corridor Plan

This planning process is a comprehensive planning effort to create livable and sustainable communities along the Barbur Boulevard/Highway 99W corridor between Portland, Tigard and Sherwood through integrated community investments in land use and transportation. Stephen Ricker represented TPARK at meetings regarding the SW Corridor regional planning project. TPARK reviewed and commented on the Southwest Corridor Transit Evaluation Results and Draft Recommendation.

2. Ice Age Tonquin Trail Master Plan

The future Ice Age Tonquin Trail will offer bicyclists and pedestrians safe, new connections between Wilsonville, Sherwood and Tualatin. Connie Ledbetter represented TPARK and the IATTMP Project Steering Committee and conveyed their discussions and decisions to TPARK for their deliberations. See recommendation in Section 3.A..2 of this report.



Other projects and plans TPARK reviewed and discussed in 2013 include: Basalt Creek and West Railroad Planning Area, Tualatin Tomorrow, Ice Age Discovery Trail, Chieftain/Dakota Greenway Outfalls & Trail Retrofit update, Oregon Statewide Comprehensive Outdoor Recreation Plan, and Tualatin's Capital Improvement Plan.

D. AS THE CITY'S TREE BOARD TPARK MAKES RECOMMENDATIONS TO STAFF AND COUNCIL ON URBAN FORESTRY RELATED ISSUES

1. **Recommended that Council form an Arbor Week ad hoc Committee and Proclaim April 7 – April 13, 2013 Arbor Week in the City of Tualatin**

TPARK recommended that Council form this committee to help plan the Arbor Week Celebration and develop the Arbor Week Proclamation. The committee was approved by Council on January 28, 2013 and the proclamation was read on March 25, 2013.



4. ACTION PLAN FOR 2014

- A. Continue to fulfill prescribed duties**
- B. Provide Recommendations and Public Engagement Opportunities for the Public during the Parks and Recreation Master Plan Update**
- C. Support the Continuing Development of Parks and Recreation Facilities**

5. RECOMMENDATIONS

The Tualatin Park Advisory Committee respectfully recommends:

- 1) That City move forward with an update to the Park and Recreation Master Plan as scheduled and budgeted.**
- 2) TPARK suggests Council determine and take appropriate actions to see that the Shared Pathway serving as the Tualatin River Greenway Trail between I-5 and Boones Ferry Road be constructed as quickly as possible to promote safe circulation across the site and to provide connectivity with east Tualatin.**



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Cindy Hahn, Associate Planner
Aquilla Hurd-Ravich, Planning Manager

DATE: 02/10/2014

SUBJECT: Consideration of **Ordinance No. 1367-14** to Modify the Transportation System Plan to Comply with the Land Use Board of Appeals (LUBA) Opinion and Order

ISSUE BEFORE THE COUNCIL:

A public hearing to consider Ordinance No. 1367-14 to Modify the Transportation System Plan to Comply with the LUBA Opinion and Order.

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting documents and adopt Ordinance No. 1367-14.

EXECUTIVE SUMMARY:

The City of Tualatin Transportation System Plan was adopted on February 25, 2013. The Tonquin Industrial Group subsequently appealed that decision to LUBA, citing eight assignments of error. LUBA rejected seven of the eight assignments of error, but agreed with one assignment of error. LUBA found the Ice Age Tonquin Trail, as a whole, constitutes a "park" within the meaning of Metro Code (MC) 3.07.420(D) and Tualatin Development Code (TDC) 64.040(8). LUBA found that "parks" are not allowed in Regionally Significant Industrial Areas (RSIAs) under Metro and the City's code. As such, LUBA found the City erred in locating the trail within the Tonquin Industrial Group RSIA. LUBA remanded the decision for the City Council to consider and comply with its Opinion and Order. Attachment D includes the LUBA Opinion and Order.

The successful challenge to the TSP focused on the Ice Age Tonquin Trail and the Tonquin Trail Master Plan, as it relates to Metro's Urban Growth Management Functional Plan (UGMFP) and its protection of Regionally Significant Industrial Areas (RSIAs). The proposed ordinance revises the TSP and amends TDC 11.650(3)(b) to comply with this remand order.

Tonight's public hearing is an evidentiary hearing to consider this narrow issue. Attachment A includes Ordinance No. 1367-14 modifying the TSP to comply with the LUBA Opinion and Order; Attachment B includes a list of proposed corrections to the TSP and individual pages indicating the changes proposed; and Attachment C includes corrected pages to be inserted into

the TSP.

The following criteria will be evaluated in the narrow context of the remand: Council must find the proposal meets Metro Code 3.07.420(D) which is the UGMFP Title 4 Industrial and Other Employment Areas Protection of Regionally Significant Industrial Areas. Additionally, Council must find the amendment meets TDC 64.040(8), which is the Manufacturing Business Park Planning District Prohibited Uses.

DISCUSSION

Metro Code (MC) 3.07.420 addresses the "Protection of Regionally Significant Industrial Areas" and MC 3.07.420(D) provides:

"Cities and counties shall review their land use regulations and revise them, if necessary, to prohibit the siting of schools, places of assembly larger than 2,000 square feet or parks intended to serve people other than those working or residing in the RSIA."

The City implemented MC 3.07.420(D) by providing in the Tonquin Light Manufacturing Overlay, in TDC 64.040(8), that "parks and recreation facilities" are prohibited in the Tonquin Industrial Group (TIG) RSIA.

As discussed earlier in this report, LUBA found that the Ice Age Tonquin Trail, as a whole, constitutes a "park" within the meaning of MC 3.07.420(D) and TDC 64.040(8); and therefore, the City erred in locating the Trail alignment within the TIG RSIA.

In response to the LUBA Opinion and Order the City has prepared draft Ordinance No. 1367-14, which proposes to amend the TSP and TDC 11.650(3)(b) to remove all specific references to the Ice Age Tonquin Trail as shown in Attachments B and C to this report. Council must find that the proposed amendments to the TSP and TDC satisfy the LUBA Opinion and Order and meet both MC 3.07.420(D) and TDC 64.040(8).

The Ordinance modifies the TSP to eliminate the Ice Age Tonquin Trail from the Tonquin Industrial Group RSIA and complies with MC 3.07.420(D) and TDC 64.040(8) to comply with LUBAs Opinion and Order.

Attachments: A. Remand Ordinance
 B. TSP Change Log
 C. Corrected TSP Pages
 D. LUBA Final Opinion and Order
 E. Presentation

ORDINANCE NO. 1367-14

AN ORDINANCE RELATING TO THE TRANSPORTATION SYSTEM PLAN;
AMENDING THE TUALATIN DEVELOPMENT CODE (TDC) 11.650 AND THE
2012 TUALATIN TRANSPORTATION SYSTEM PLAN ADOPTED FEBRUARY
25, 2013

WHEREAS, the Transportation System Plan was adopted by the City Council in Ordinance No. 1354-13 on February 25, 2013; and

WHEREAS, the Transportation System Plan was subsequently appealed to the Land Use Board of Appeals on eight separate grounds; and

WHEREAS, the Land Use Board of Appeals issued a decision on November 1, 2013, and affirmed one of the eight grounds for appeal finding the Ice Age Tonquin Trail, as a whole, constitutes a “park” within the meaning of Metro Code 3.07.420(D) and Tualatin Development Code 64.040(8); and therefore, the City erred in locating the Ice Age Tonquin Trail alignment within the Tonquin Industrial Group Regionally Significant Industrial Area; and

WHEREAS, the Land Use Board of Appeals remanded the issue to the Tualatin City Council for further review; and

WHEREAS, to comply with the Land Use Board of Appeals’ opinion and order, the City Council finds it necessary to remove references to the Ice Age Tonquin Trail from the Tualatin Development Code (TDC) 11.650 and the Transportation System Plan.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 11.650 is amended to read as follows:

(1) This modal plan describes pedestrian and bicycle improvements to comfortably and safely accommodate bicyclists and pedestrians within the City. These include multi-use paths, specific bicycle and pedestrian improvements, and street upgrades. Figure 11-4 presents the updated bicycle and pedestrian system for the City of Tualatin.

(2) Summary of Limitations and Needs for Bicycle and Pedestrian Facilities. This section summarizes limitations and needs for bicycle and pedestrian facilities, and multi-use paths. A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in Appendix B of the Transportation System Plan Technical Memorandum (December 2012).

(a) Bicycle Facility Needs. Existing bicycle facilities in Tualatin have a few gaps and challenging connections:

- (i) Difficult left-turn maneuvers;
- (ii) Difficult areas with low bike visibility;
- (iii) Bike lanes outside of turn lanes;
- (iv) Obstacles within the bike lanes;
- (v) Gaps in the network; and
- (vi) In addition to these needs, there are a number of high-crash locations.

Most crashes result in an injury to the bicyclist, and most occur on a dry roadway surface in daylight conditions. High-crash locations include SW Boones Ferry Road and SW Tualatin-Sherwood Road; as well as, the SW Nyberg Road interchange ramps at I-5.

(b) Pedestrian Facility Needs. Pedestrian facility needs include:

- (i) Fill sidewalk gaps on arterials and collector streets at:
 - (a) Sections of SW Herman Road;
 - (b) Sections of SW Grahams Ferry Road;
 - (c) Sections of SW Boones Ferry Road;
 - (d) SW Blake Street between SW 105th and SW 108th Avenues;
 - (e) SW Sagert Street overpass over I-5; and
 - (f) SW 105th Avenue between SW Paulina Drive and SW Blake Street.

- (ii) Narrow or obstructed sidewalks.
- (iii) Wide or angled crosswalks at intersections.
- (iv) Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core).
- (v) Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

(c) Multi-use Path Needs. Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths; as well as, to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing

multi-use paths are fragmented and do not connect; ~~ss~~ Signs and other wayfinding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

(3) Bicycle and Pedestrian Policies. The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

- (a) Bicycle and Pedestrian Policy 1: Support Safe Routes to Schools (SRTS) for all Tualatin schools.
- (b) Bicycle and Pedestrian Policy 2: Work with partner agencies to support and build ~~the Ice Age Tongue Trail~~ trails.
- (c) Bicycle and Pedestrian Policy 3: Allow wider sidewalks downtown for strolling and outdoor cafes.
- (d) Bicycle and Pedestrian Policy 4: Add benches along multi-use paths for pedestrians throughout the City (especially in the downtown core).
- (e) Bicycle and Pedestrian Policy 5: Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings.
- (f) Bicycle and Pedestrian Policy 6: Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 11-1.
- (g) Bicycle and Pedestrian Policy 7: Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes.
- (h) Bicycle and Pedestrian Policy 8: Ensure that there are bicycle and pedestrian facilities at transit stations.
- (i) Bicycle and Pedestrian Policy 9: Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools.
- (j) Bicycle and Pedestrian Policy 10: Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities.

(4) Bicycle Boulevards. Currently, there are no existing bicycle boulevards in Tualatin, though Washington County has bicycle boulevard policies and design standards.

Bicycle boulevards are roadways that use a variety of design treatments to reduce vehicle speeds so that motorists and bicyclists generally travel at the same speed, to create a safer and more comfortable environment for all users. Bicycle boulevards may include a variety of applications ranging from minor street signing

enhancements (such as shared lane markings) to larger scale projects (for example, bike-only access at intersections, traffic diverters). Boulevards also incorporate treatments to facilitate safe and convenient crossings where bicyclists must traverse major streets. Traffic controls along a boulevard may assign priority to through cyclists while encouraging through vehicle traffic to use alternate parallel routes.

Bicycle boulevards work best in well-connected street grids, where riders can follow intuitive and reasonably direct routes. Boulevards also work best when higher-order parallel streets exist to serve through vehicle traffic. Bicycle boulevards are generally located on streets with lower traffic volumes and vehicle speeds, such as minor collectors or local streets passing through residential neighborhoods. Typically a bicycle boulevard would be located on a street where vehicles travel less than 30 miles per hour and average daily traffic volume is less than 3,000 vehicles (in both directions).

Proposed bicycle boulevards in Tualatin are shown on Figure 11-4. These are all low volume, low speed streets that connect neighborhoods with roadways and trails where bicycle infrastructure investments have been made. As a short-term action, the City should consider signing these roadways as bicycle routes, and monitor usage on an annual basis. As bicycle usage increases, and bicyclists and drivers become more used to sharing travel lanes, further investments could be considered to enhance safety for bicyclists.

Section 2. The Pages, Tables, and Figures of the Transportation System Plan Technical Memorandum are amended as follows:

(1) Title Page is deleted and replaced by “Exhibit 1,” which is incorporated herein.

(2) Street System Modal Plan – Regional Street Urban Upgrades (page 29) is deleted and replaced by “Exhibit 2,” which is incorporated herein.

(3) Transit Modal Plan – Regional Coordination (page 50) is deleted and replaced by “Exhibit 3,” which is incorporated herein.

(4) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Bicycle and Pedestrian Policies (page 59) is deleted and replaced by “Exhibit 4,” which is incorporated herein.

(5) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Multi-Use Path Projects, Table 13 and Regional Coordination (page 62) is deleted and replaced by “Exhibit 5,” which is incorporated herein.

(6) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Regional Multi-Use Path Projects, Table 15 (page 64) is deleted and replaced by “Exhibit 6,” which is incorporated herein.

(7) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Figure 7 Bicycle and Pedestrian Element (page 65) is deleted and replaced by “Exhibit 7,” which is incorporated herein.

(8) Implementation – Policy & Code Language, Bicycle and Pedestrian (page 99) is deleted and replaced by “Exhibit 8,” which is incorporated herein.

Section 3. The amendments to the TSP set forth in Section 1 and 2 of this ordinance remove the Tonquin Trail from being located in a Regionally Significant Industrial Area. As such, the TSP complies with Metro's Urban Growth Management Function Plan, Metro Code 3.07.420(D), Tualatin Development Code 64.040, and LUBA's Opinion and Order.

Section 4. Except to the extent modified by this ordinance, TDC 11.650 and the Transportation System Plan adopted by the Tualatin City Council by Ordinance 1354-13 on February 25, 2013, remains in full force and effect.

Section 5. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competition jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Proposed Changes based on LUBA No. 2013-016 Final Opinion & Order

Updated: January 29, 2014

Proposed Changes to Transportation System Plan (TSP) Volume 1

1 Title Page

-Strikethrough the original issue date, and include the following: Updated February 2014

2 Street System Modal Plan - Regional Street Urban Upgrades (page 29)

-Remove from Project ID R18 Project Description: as part of the Ice Age Tonquin Trail
-Remove from Project ID R18 Priority: , or when the Ice Age Tonquin Trail project is constructed

3 Transit Modal Plan - Regional Coordination (page 50)

-Remove from Item 5 Leveton Area: , and possibly provide a link to the Ice Age Tonquin Trail
-Insert after bus stop, : and

4 Pedestrian, Bicycle, and Mult-Use Path Modal Plan - Bicycle and Pedestrian Policies (page 59)

-Modify Bicycle and Pedestrian Policy 2 to read: Work with partner agencies to support and build trails.

5 Pedestrian, Bicycle, and Mult-Use Path Modal Plan - Multi-Use Path Projects, Table 13 (page 62)

-Remove Project ID BP12: Description, Cost Estimate, Champion, Funding Source, and Priority
-Insert Project ID BP12 Description: Not used

6 Pedestrian, Bicycle, and Mult-Use Path Modal Plan - Regional Coordination (page 62)

-Remove: Ice Age Tonquin Trail project,

7 Pedestrian, Bicycle, and Mult-Use Path Modal Plan - Regional Multi-Use Path Projects, Table 15 (page 64)

-Remove Project ID BP18: Description, Cost Estimate, Champion, Funding Source, and Priority
-Insert Project ID BP18 Description: Not used
-Remove Footnote 30: Text
-Insert Footnote 30 Text: Not used
-Remove Footnote 31: Text
-Insert Footnote 31 Text: Not used

8 Pedestrian, Bicycle, and Mult-Use Path Modal Plan - Figure 7 Bicycle and Pedestrian Element (page 65)

-Remove 12 Text: Connect Tonquin Trail with neighborhoods
-Insert 12 Text: Not used
-Remove Line(s) on Map: 12 Connect Tonquin Trail with neighborhoods
-Remove 18 Text: Build Tonquin Trail
-Insert 18 Text: Not used
-Remove Line on Map: 18 Build Tonquin Trail

9 Implementation - Policy & Code Language, Bicycle and Pedestrian (page 99)

-Modify Bicycle and Pedestrian Policy 2 to read: Work with partner agencies to support and build trails.

Proposed Changes to Tualatin Development Code (TDC)

10 TDC 11.650 (3)(b) Bicycle and Pedestrian Policies

-Modify Bicycle and Pedestrian Policy 2 to read: Work with partner agencies to support and build trails.

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Regional Street Urban Upgrades

Regional street upgrades serve regional travel needs, and are more expensive than what the City is anticipated to be able to fund by itself. These projects will rely on regional and State funding sources for implementation.

TABLE 5

Regional Urban Upgrade Cost Estimates and Prioritization

Project ID	Project Description	Cost Estimate (in 2012 dollars)	Champion	Funding Source	Priority*
R18	Upgrade SW Cipole Road to roadway standards between 99W and SW Tualatin-Sherwood Road, include a multi-use path on one side as part of the Ice Age Tonquin Trail	\$20,030,000 ⁷	Washington County, City	Washington County MSTIP, TDT, LID, Bike/Ped funds	As development occurs, or when the Ice Age Tonquin Trail project is constructed
R19	Widen SW Boones Ferry Road to 5-lanes north of SW Martinazzi Avenue	\$17,818,000	City, ODOT, Washington County	Washington County MSTIP, TDT, gas tax, STIP	Long-term
R20	Widen SW Tualatin-Sherwood Road to five lanes between SW Teton Avenue and SW Cipole Road†	\$10,883,000	Washington County, City	TDT, Washington County MSTIP, gas tax	Medium-term
R21	Upgrade SW Borland Road to roadway standards between SW 65 th Ave. and the eastern City limits	\$9,646,000	Clackamas County, City	TDT, gas tax, Clackamas County	Medium-term
R22	Upgrade SW Grahams Ferry Road to roadway standards between SW Ibach Road and SW Helenius Road	\$3,300,000	Washington County	TDT, gas tax, Washington County MSTIP,	Long-term
R23	Upgrade SW Tonquin Road to roadway standards between SW Waldo Way and SW Grahams Ferry Road	\$11,193,000 ⁸	Washington County	TDT, gas tax, Washington County MSTIP	Medium-term
R24	Fill sidewalk gap and add a colored bicycle lane at SW Boones Ferry Road and SW Lower Boones Ferry Road Intersection	\$10,000	City, ODOT, Washington County, City of Durham	Bike/Ped funds, Travel Options	Short-term
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R26	Fill sidewalk gaps on SW Borland Road from SW 65 th Avenue to the eastern City limits	\$2,603,000	Clackamas County, City	TDT, Bike/Ped funds, Travel Options	Short-term

⁷ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

⁸ From the *SW Tualatin Concept Plan* 2010. Estimate grown to 2012 dollars.

⁹ From the *Tualatin Bikeway Plan* 1993. Estimate grown to 2012 dollars.

The community's vision for "transit ready places" in the Linking Tualatin Plan includes potential transit and other transportation improvements to increase access to and use of transit. Public and private projects focus on improved bicycle and pedestrian connections and road crossings, new local street connections, and new transit services or facilities. Some public projects are unique to the Linking Tualatin Plan and will be studied further through that planning process. These projects include:

1. Bridgeport Village Area: **Provide a new pedestrian crossing** on SW Lower Boones Ferry Road at entrance to the south lot of the Tualatin Park-and-Ride.
2. Bridgeport Village Area: **Provide new local street connections** north of the proposed Bridgeport Apartments development, west, and north of the Grand Hotel.
3. Downtown Area: **Improve pedestrian crossing** on SW Boones Ferry Road at SW Nyberg Street near the WES station.
4. Meridian Park/Nyberg Woods Area: **Provide a new pedestrian crossing** on SW 65th Avenue near the north entrance to Meridian Park Hospital.
5. Leveton Area: **Provide a new pedestrian crossing** on SW Herman Road west of SW 108th Avenue to access a future bus stop, and improve bicycle/pedestrian connectivity, ~~and possibly provide a link to the Ice Age Tonquin Trail.~~
6. Teton Area: **Provide a new WES stop** near SW Tualatin-Sherwood Road, west of the intersection of SW Avery Street and SW 105th Avenue.
7. Teton Area: **Improve pedestrian crossing** at the SW Teton Avenue and SW Tualatin-Sherwood Road intersection.
8. Southwest Industrial Area: **Consider providing parkway treatment** along SW Tualatin-Sherwood Road between SW 124th Avenue and SW Avery Street.
9. Pacific Financial/SW 124th Avenue Area: **Provide new trails** parallel to OR 99W between SW Hazelbrook Road and the north side of the Tualatin River to connect with the Tualatin River Greenway Trail.
10. Pacific Financial/SW 124th Avenue Area: **Connect the Tualatin River Greenway trail** under the OR 99W bridge on both side of the river.

Other public projects in the Linking Tualatin Plan are included in the Transit Modal Plan of this Transportation System Plan. The focus of these projects is on providing east-west connectivity between OR 99W and downtown Tualatin via local bus transit, anchored by park-and-ride facilities in west, east and south Tualatin, and a transit hub at the downtown Tualatin WES station. These projects are shown in Figure 4 and more detail is provided later in this section.

- ◆ **Oregon Passenger Rail.** The purpose of the Oregon Passenger Rail project is to improve passenger rail service between Portland and Eugene. Along the way, the rail service is expected to serve the south Metro area via an alignment either east or west of the Willamette River. The City of Tualatin intends to coordinate with ODOT to help determine an appropriate corridor that would improve intercity passenger rail service in Oregon.
- ◆ **WES Extension.** TriMet and ODOT may consider the feasibility of extending WES commuter rail from Wilsonville to Salem. The City of Tualatin is supportive of the WES extension and intends to partner with ODOT and TriMet in facilitating this project.

Transit Projects

The following proposed projects represent the community's desires for future improvements to transit service. Figure 4 depicts the projects geographically. These projects can be grouped into the following categories: fixed-route bus service, shuttle service, WES, and park-and-rides.



- SW Sagert Street overpass over I-5
- SW 105th Avenue between SW Paulina Drive and SW Blake Street
- ◆ Narrow or obstructed sidewalks
- ◆ Wide or angled crosswalks at intersections
- ◆ Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core)

Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

Multi-use Path Needs

Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths, as well as to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing multi-use paths are fragmented and do not connect; signs and other wayfinding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in Appendix B.

Bicycle and Pedestrian Policies

The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails the Ice Age Tonquin Trail
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
- ◆ **Bicycle and Pedestrian Policy 4:** Add benches along multi-use paths for walkers throughout the City (especially in the downtown core)
- ◆ **Bicycle and Pedestrian Policy 5:** Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings
- ◆ **Bicycle and Pedestrian Policy 6:** Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 16 (later in this chapter; its source is the RTP)
- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
- ◆ **Bicycle and Pedestrian Policy 8:** Ensure that there are bicycle and pedestrian facilities at transit stations
- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

TABLE 13

Multi-Use Path Project Cost Estimates and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP10	Add trail on the east side of SW 105 th Avenue, SW Blake Street, and SW 108 th Avenue through Ibach Park to accommodate bicyclists and pedestrians	\$810,000	City, Ibach CIO	Parks SDC or bond, Bike/Ped funds, Travel Options	Medium-term
BP11	Add a multi-use path undercrossing of I-5 near Fred Meyer as part of the Nyberg Creek Greenway—connect to planned and existing multi-use paths	\$1,947,000 ²⁷	City	Bike/Ped funds, Travel Options, ODOT Bike/Ped grants	Medium-term
BP12	Connect the Ice Age Tonquin Trail with neighborhoods (three connections assumed with a preference for at least one connection with Ibach CIO, exact location to be determined based on additional engineering) <u>Not Used</u>	\$7,626,000	City, Metro	Bike/Ped funds, Travel Options	Long-term

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

CIO – Citizen Involvement Organization

ODOT – Oregon Department of Transportation

SDC – System Development Charges

Regional Coordination

A number of bicycle and pedestrian projects will require coordination with regional agencies such as Washington and Clackamas Counties, Metro, or ODOT. The City of Tualatin will participate fully in the development of regional multi-use trail projects through partnering with neighboring cities and lead agencies. Regional projects currently under development include the Ice Age Tonquin Trail project, intersection and bike lane projects on facilities owned by Washington or Clackamas Counties, or ODOT these projects are included in Tables 14 and 15.

²⁷ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

Regional Multi-Use Path Projects

TABLE 15

Regional Multi-Use Path Project Cost Estimate and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP17	Build pedestrian and bicycle bridges over the Tualatin River: North of SW Cipole Road in conjunction with the Westside Trail Near SW 108 th Avenue	\$2,434,000 ²⁸ \$2,434,000 ²⁹	City, Metro	Parks SDC or bond, Bike/Ped funds, Travel Options	Long-term
BP18	Build the segments of the Ice Age Tonquin Trail in the City³⁰ Western segment near SW Cipole Road (includes an overcrossing of OR 99W) Eastern segment along Hedges Creek, and the west side of the WES Tracks in southeast Tualatin	\$14,615,000 \$22,705,000 \$37,320,000³¹	Metro, City, Washington County	Federal, State, and Metro funds, Bike/Ped funds, Park grants	Medium/Long-term
	Ice Age Tonquin Trail Total <u>Not Used</u>				

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

SDC – System Development Charges

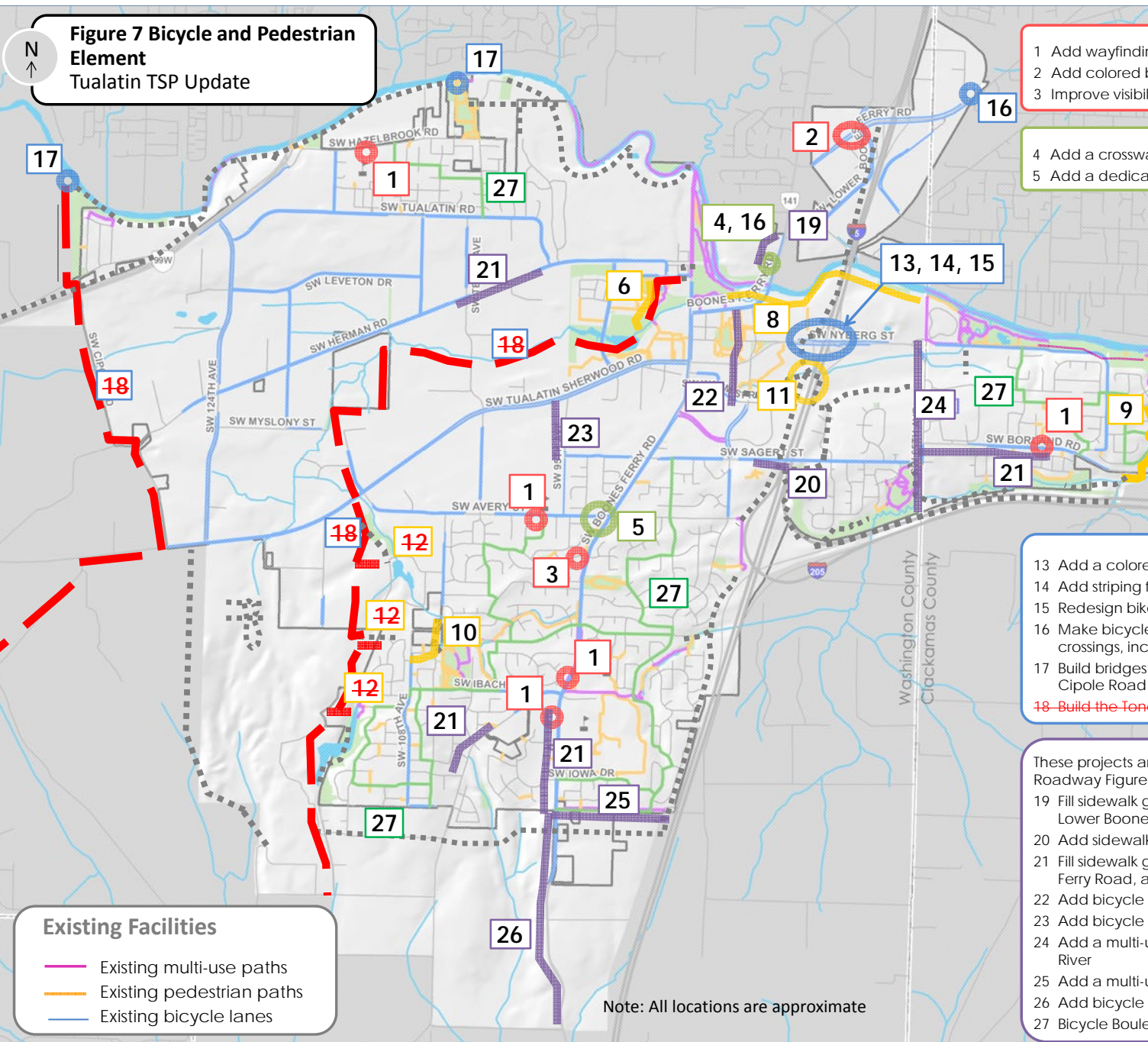
²⁸ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

²⁹ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

³⁰ ~~The goal of the Ice Age Tonquin Trail is to have a north/south orientation through and adjacent to the areas of highest desirability for interpretation of the Ice Age Floods and the remaining natural and geological features. The exact alignment through or near the property held by the Tonquin Industrial Group land owners in the SW Concept Plan area has not been determined. The final trail alignment and design and construction details will all be developed in the undetermined future and the processes will be conducted with the participation of land owners, adjacent property owners, the general public and other stakeholders at such time that the area annexes.~~ Not used.

³¹ ~~From Metro's ongoing Ice Age Tonquin Trail plan.~~ Not used.

Figure 7 Bicycle and Pedestrian Element
Tualatin TSP Update



City Safety Improvements

- 1 Add wayfinding signs for Safe Routes to School at all public schools
- 2 Add colored bike lanes on Bridgeport Road near Bridgeport Village
- 3 Improve visibility and illumination at crosswalk at Siletz Dr & Boones Ferry Rd

Bicycle and Pedestrian Facilities

- 4 Add a crosswalk at Tualatin View Apartments on SW Boones Ferry Rd
- 5 Add a dedicated bike lane through intersection at Avery St & Boones Ferry Rd

Multi-Use Trails

- 6 Upgrade bridge surface along the path behind the Haggan shopping center
- 7 Build multi-use paths from the previously adopted Tualatin Pedestrian, Bikeway, and Greenway Plans (indicated by - - - -)
- 8 Build trail along Tualatin River from the Community Park, extend to Tualatin River Greenway
- 9 Fill gaps in the multi-use path as part of the Tualatin River Greenway
- 10 Add a trail on the east side of SW 105th Avenue, SW Blake Street, and SW 108th Avenue through Ibach Park to accommodate bicyclists and pedestrians
- 11 Add I-5 multi-use undercrossing - connect to existing multi-use paths
- 12 Connect Tonquin trail with neighborhoods-Not Used

Regional Bicycle & Pedestrian Projects

- 13 Add a colored bike lane through the ramps at Nyberg Interchange
- 14 Add striping for the bicycle lane across the I-5 southbound off-ramp
- 15 Redesign bike lane on the east side of the Nyberg Interchange
- 16 Make bicycle and pedestrian crossing facility improvements at railroad crossings, including SW Boones Ferry Rd and SW Lower Boones Ferry Rd
- 17 Build bridges for pedestrian and bicycle access over the Tualatin River near Cipole Road and 108th Avenue
- 18 Build the Tonquin Trail-Not Used

Bicycle & Pedestrian Urban Upgrades

These projects are also included on the Urban Upgrades and Street Extensions Roadway Figure:

- 19 Fill sidewalk gaps and add colored bicycle lanes at SW Boones Ferry and SW Lower Boones Ferry Roads
- 20 Add sidewalks to the SW Sagert Street bridge
- 21 Fill sidewalk gaps on SW Boones Ferry Road, SW Borland Road, SW Grahams Ferry Road, and SW Herman Road
- 22 Add bicycle lanes on Martinazzi Avenue
- 23 Add bicycle lanes on SW 95th Avenue
- 24 Add a multi-use path along SW 65th Ave between Atfalati Park & the Tualatin River
- 25 Add a multi-use path (or sidewalks and bicycle lanes) on SW Norwood Road
- 26 Add bicycle lanes on Boones Ferry Rd from Norwood to Day Rd
- 27 Bicycle Boulevards (indicated by - - - -)

Note: All locations are approximate

Existing Facilities

- Existing multi-use paths
- Existing pedestrian paths
- Existing bicycle lanes



- ◆ **Transit Policy 6:** Develop and improve pedestrian and bicycle connections and access to transit stops.
- ◆ **Transit Policy 7:** Encourage higher-densities near high-capacity transit service.
- ◆ **Transit Policy 8:** Metro in the RTP calls for increased WES service frequency. The City will coordinate with TriMet, Metro, and ODOT to explore service frequency improvements and the possible inclusion of a second WES station in south Tualatin.

Bicycle and Pedestrian

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails the Ice Age Tonquin Trail
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
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- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
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- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and school
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

Freight

- ◆ **Freight Policy 1:** Continue to coordinate with PNWR and TriMet to ensure that railroad crossings are safe and have few noise impacts on adjacent neighborhoods
- ◆ **Freight Policy 2:** Look for opportunities to shift goods shipments to rail to help reduce the demand for freight on Tualatin's roads.
- ◆ **Freight Policy 3:** Look for opportunities to create multi-modal hubs to take advantage of the freight rail lines

Transportation Demand Management

- ◆ **TDM Policy 1:** Support demand reduction strategies, such as ride sharing, preferential parking, and flextime programs
- ◆ **TDM Policy 2:** Partner with the Chamber of Commerce, the Westside Transportation Alliance, major employers, and business groups to implement TDM programs
- ◆ **TDM Policy 3:** Explore the use of new TDM strategies to realize more efficient use of the City's transportation system

Section 11.650 Pedestrian, Bicycle, and Multi-Use Path Modal Plan.

(1) This modal plan describes pedestrian and bicycle improvements to comfortably and safely accommodate bicyclists and pedestrians within the City. These include multi-use paths, specific bicycle and pedestrian improvements, and street upgrades. **Figure 11-4** presents the updated bicycle and pedestrian system for the City of Tualatin.

(2) Summary of Limitations and Needs for Bicycle and Pedestrian Facilities. This section summarizes limitations and needs for bicycle and pedestrian facilities, and multi-use paths. A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in **Appendix B** of the TSP Technical Memorandum (December 2012).

(a) Bicycle Facility Needs. Existing bicycle facilities in Tualatin have a few gaps and challenging connections:

(i) Difficult left-turn maneuvers

(ii) Difficult areas with low bike visibility

(iii) Bike lanes outside of turn lanes

(iv) Obstacles within the bike lanes

(v) Gaps in the network

(vi) In addition to these needs, there are a number of high-crash locations. Most crashes result in an injury to the bicyclist, and most occur on a dry roadway surface in daylight conditions. High-crash locations include SW Boones Ferry Road and SW Tualatin-Sherwood Road, as well as the SW Nyberg Road interchange ramps at I-5.

(b) Pedestrian Facility Needs. Pedestrian facility needs include:

(i) Fill sidewalk gaps on arterials and collector streets

(a) Sections of SW Herman Road

(b) Sections of SW Grahams Ferry Road

(c) Sections of SW Boones Ferry Road

(d) SW Blake Street between SW 105th and SW 108th Avenues

(e) SW Sagert Street overpass over I-5

(f) SW 105th Avenue between SW Paulina Drive and SW Blake Street

(ii) Narrow or obstructed sidewalks

(iii) Wide or angled crosswalks at intersections

(iv) Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core)

(v) Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

(c) Multi-use Path Needs. Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths, as well as to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing multi-use paths are fragmented and do not connect; signs and other way-finding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

(3) Bicycle and Pedestrian Policies. The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

(a) Bicycle and Pedestrian Policy 1: Support Safe Routes to Schools (SRTS) for all Tualatin schools

(b) Bicycle and Pedestrian Policy 2: Work with partner agencies to support and build ~~the Lee Age~~ Tonquin Trail trails

(c) Bicycle and Pedestrian Policy 3: Allow wider sidewalks downtown for strolling and outdoor cafes

(d) Bicycle and Pedestrian Policy 4: Add benches along multi-use paths for pedestrians throughout the City (especially in the downtown core)

(e) Bicycle and Pedestrian Policy 5: Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings

(f) Bicycle and Pedestrian Policy 6: Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in **Table 11-1**.

(g) Bicycle and Pedestrian Policy 7: Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes

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(i) Bicycle and Pedestrian Policy 9: Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools

(j) Bicycle and Pedestrian Policy 10: Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities.

(4) Bicycle Boulevards. Currently, there are no existing bicycle boulevards in Tualatin, though Washington County has bicycle boulevard policies and design standards.

Bicycle boulevards are roadways that use a variety of design treatments to reduce vehicle speeds so that motorists and bicyclists generally travel at the same speed, to create a safer and more-comfortable environment for all users. Bicycle boulevards may include a variety of applications ranging from minor street signing enhancements (such as shared lane markings) to larger scale projects (for example, bike-only access at intersections, traffic diverters). Boulevards also incorporate treatments to facilitate safe and convenient crossings where bicyclists must traverse major streets. Traffic controls along a boulevard may assign priority to through cyclists while encouraging through vehicle traffic to use alternate parallel routes.

Bicycle boulevards work best in well-connected street grids, where riders can follow intuitive and reasonably direct routes. Boulevards also work best when higher-order parallel streets exist to serve through vehicle traffic. Bicycle boulevards are generally located on streets with lower traffic volumes and vehicle speeds, such as minor collectors or local streets passing through residential neighborhoods. Typically a bicycle boulevard would be located on a street where vehicles travel less than 30 miles per hour and average daily traffic volume is less than 3,000 vehicles (in both directions).

Proposed bicycle boulevards in Tualatin are shown on **Figure 11-4**. These are all low volume, low speed streets that connect neighborhoods with roadways and trails where bicycle infrastructure investments have been made. As a short-term action, the City should consider signing these roadways as bicycle routes, and monitor usage on an annual basis. As bicycle usage increases, and bicyclists and drivers become more used to sharing travel lanes, further investments could be considered to enhance safety for bicyclists. [Ord. 1103-02, 3/25/2002; Ord. 1354-13 §36, 02/25/13]

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10. Pacific Financial/SW 124th Avenue Area: **Connect the Tualatin River Greenway trail** under the OR 99W bridge on both side of the river.

Other public projects in the Linking Tualatin Plan are included in the Transit Modal Plan of this Transportation System Plan. The focus of these projects is on providing east-west connectivity between OR 99W and downtown Tualatin via local bus transit, anchored by park-and-ride facilities in west, east and south Tualatin, and a transit hub at the downtown Tualatin WES station. These projects are shown in Figure 4 and more detail is provided later in this section.

- ◆ **Oregon Passenger Rail.** The purpose of the Oregon Passenger Rail project is to improve passenger rail service between Portland and Eugene. Along the way, the rail service is expected to serve the south Metro area via an alignment either east or west of the Willamette River. The City of Tualatin intends to coordinate with ODOT to help determine an appropriate corridor that would improve intercity passenger rail service in Oregon.
- ◆ **WES Extension.** TriMet and ODOT may consider the feasibility of extending WES commuter rail from Wilsonville to Salem. The City of Tualatin is supportive of the WES extension and intends to partner with ODOT and TriMet in facilitating this project.

Transit Projects

The following proposed projects represent the community's desires for future improvements to transit service. Figure 4 depicts the projects geographically. These projects can be grouped into the following categories: fixed-route bus service, shuttle service, WES, and park-and-rides.



- SW Sagert Street overpass over I-5
- SW 105th Avenue between SW Paulina Drive and SW Blake Street
- ◆ Narrow or obstructed sidewalks
- ◆ Wide or angled crosswalks at intersections
- ◆ Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core)

Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

Multi-use Path Needs

Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths, as well as to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing multi-use paths are fragmented and do not connect; signs and other wayfinding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in Appendix B.

Bicycle and Pedestrian Policies

The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
- ◆ **Bicycle and Pedestrian Policy 4:** Add benches along multi-use paths for walkers throughout the City (especially in the downtown core)
- ◆ **Bicycle and Pedestrian Policy 5:** Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings
- ◆ **Bicycle and Pedestrian Policy 6:** Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 16 (later in this chapter; its source is the RTFP)
- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
- ◆ **Bicycle and Pedestrian Policy 8:** Ensure that there are bicycle and pedestrian facilities at transit stations
- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

TABLE 13
Multi-Use Path Project Cost Estimates and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP10	Add trail on the east side of SW 105 th Avenue, SW Blake Street, and SW 108 th Avenue through Ibach Park to accommodate bicyclists and pedestrians	\$810,000	City, Ibach CIO	Parks SDC or bond, Bike/Ped funds, Travel Options	Medium-term
BP11	Add a multi-use path undercrossing of I-5 near Fred Meyer as part of the Nyberg Creek Greenway—connect to planned and existing multi-use paths	\$1,947,000 ²⁷	City	Bike/Ped funds, Travel Options, ODOT Bike/Ped grants	Medium-term
BP12	Not Used				

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

CIO – Citizen Involvement Organization

ODOT – Oregon Department of Transportation

SDC – System Development Charges

Regional Coordination

A number of bicycle and pedestrian projects will require coordination with regional agencies such as Washington and Clackamas Counties, Metro, or ODOT. The City of Tualatin will participate fully in the development of regional multi-use trail projects through partnering with neighboring cities and lead agencies. Regional projects currently under development include intersection and bike lane projects on facilities owned by Washington or Clackamas Counties, or ODOT these projects are included in Tables 14 and 15.

²⁷ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

Regional Multi-Use Path Projects

TABLE 15

Regional Multi-Use Path Project Cost Estimate and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP17	Build pedestrian and bicycle bridges over the Tualatin River: North of SW Cipole Road in conjunction with the Westside Trail Near SW 108 th Avenue	\$2,434,000 ²⁸ \$2,434,000 ²⁹	City, Metro	Parks SDC or bond, Bike/Ped funds, Travel Options	Long-term
BP18	Not Used				

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

SDC – System Development Charges

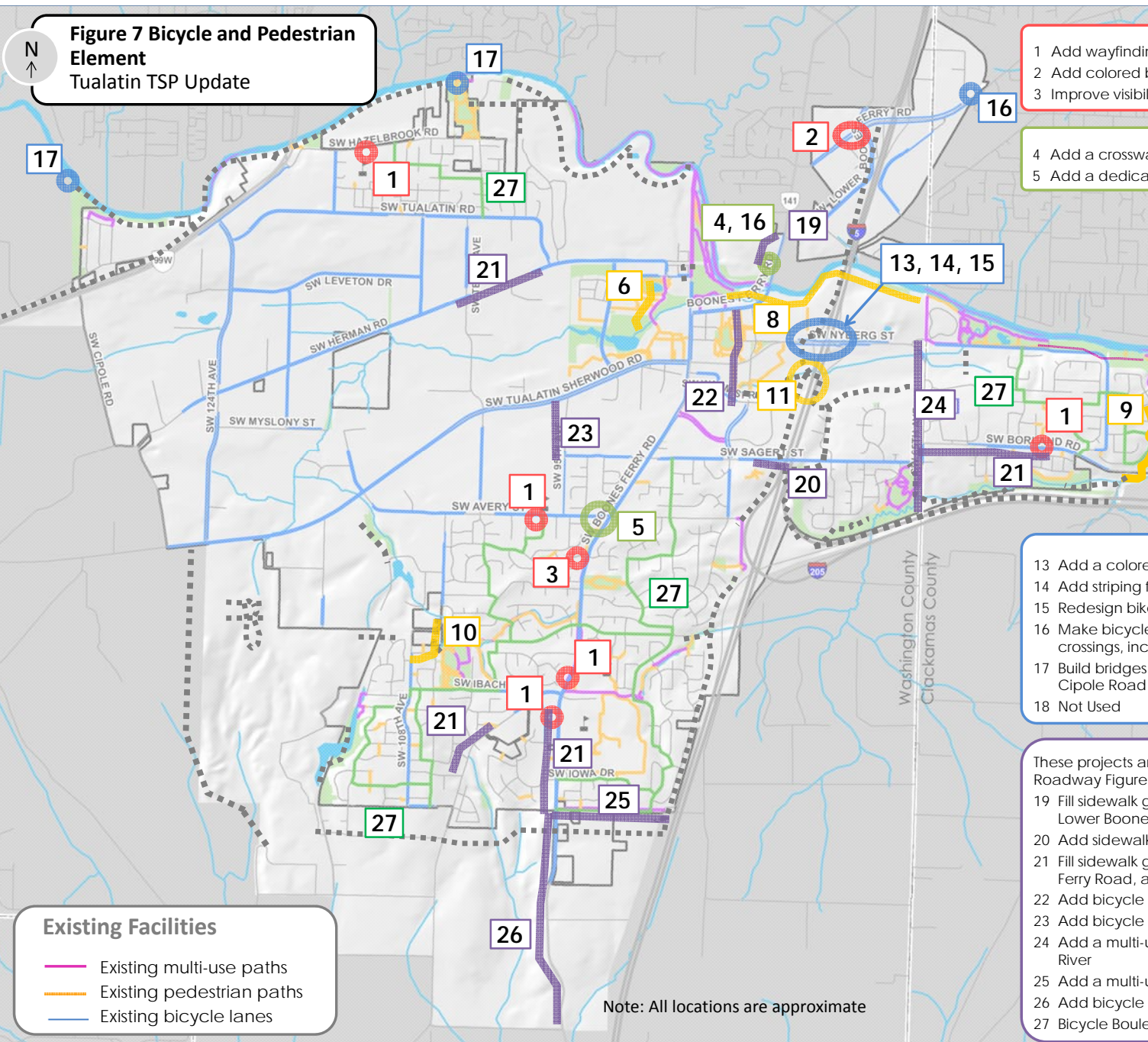
²⁸ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

²⁹ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

³⁰ Not used.

³¹ Not used.

Figure 7 Bicycle and Pedestrian Element
Tualatin TSP Update



City Safety Improvements

- 1 Add wayfinding signs for Safe Routes to School at all public schools
- 2 Add colored bike lanes on Bridgeport Road near Bridgeport Village
- 3 Improve visibility and illumination at crosswalk at Siletz Dr & Boones Ferry Rd

Bicycle and Pedestrian Facilities

- 4 Add a crosswalk at Tualatin View Apartments on SW Boones Ferry Rd
- 5 Add a dedicated bike lane through intersection at Avery St & Boones Ferry Rd

Multi-Use Trails

- 6 Upgrade bridge surface along the path behind the Haggan shopping center
- 7 Build multi-use paths from the previously adopted Tualatin Pedestrian, Bikeway, and Greenway Plans (indicated by - - - -)
- 8 Build trail along Tualatin River from the Community Park, extend to Tualatin River Greenway
- 9 Fill gaps in the multi-use path as part of the Tualatin River Greenway
- 10 Add a trail on the east side of SW 105th Avenue, SW Blake Street, and SW 108th Avenue through Ibach Park to accommodate bicyclists and pedestrians
- 11 Add I-5 multi-use undercrossing - connect to existing multi-use paths
- 12 Not Used

Regional Bicycle & Pedestrian Projects

- 13 Add a colored bike lane through the ramps at Nyberg Interchange
- 14 Add striping for the bicycle lane across the I-5 southbound off-ramp
- 15 Redesign bike lane on the east side of the Nyberg Interchange
- 16 Make bicycle and pedestrian crossing facility improvements at railroad crossings, including SW Boones Ferry Rd and SW Lower Boones Ferry Rd
- 17 Build bridges for pedestrian and bicycle access over the Tualatin River near Cipole Road and 108th Avenue
- 18 Not Used

Bicycle & Pedestrian Urban Upgrades

These projects are also included on the Urban Upgrades and Street Extensions Roadway Figure:

- 19 Fill sidewalk gaps and add colored bicycle lanes at SW Boones Ferry and SW Lower Boones Ferry Roads
- 20 Add sidewalks to the SW Sagert Street bridge
- 21 Fill sidewalk gaps on SW Boones Ferry Road, SW Borland Road, SW Grahams Ferry Road, and SW Herman Road
- 22 Add bicycle lanes on Martinazzi Avenue
- 23 Add bicycle lanes on SW 95th Avenue
- 24 Add a multi-use path along SW 65th Ave between Atfalati Park & the Tualatin River
- 25 Add a multi-use path (or sidewalks and bicycle lanes) on SW Norwood Road
- 26 Add bicycle lanes on Boones Ferry Rd from Norwood to Day Rd
- 27 Bicycle Boulevards (indicated by - - - -)

Existing Facilities

- Existing multi-use paths
- Existing pedestrian paths
- Existing bicycle lanes

Note: All locations are approximate



- ◆ **Transit Policy 6:** Develop and improve pedestrian and bicycle connections and access to transit stops.
- ◆ **Transit Policy 7:** Encourage higher-densities near high-capacity transit service.
- ◆ **Transit Policy 8:** Metro in the RTP calls for increased WES service frequency. The City will coordinate with TriMet, Metro, and ODOT to explore service frequency improvements and the possible inclusion of a second WES station in south Tualatin.

Bicycle and Pedestrian

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
- ◆ **Bicycle and Pedestrian Policy 4:** Add benches along multi-use paths for walkers throughout the City (especially in the downtown core)
- ◆ **Bicycle and Pedestrian Policy 5:** Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings
- ◆ **Bicycle and Pedestrian Policy 6:** Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 16 (earlier in this chapter; its source is the RTFP)
- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
- ◆ **Bicycle and Pedestrian Policy 8:** Ensure that there are bicycle and pedestrian facilities at transit stations
- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and school
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

Freight

- ◆ **Freight Policy 1:** Continue to coordinate with PNWR and TriMet to ensure that railroad crossings are safe and have few noise impacts on adjacent neighborhoods
- ◆ **Freight Policy 2:** Look for opportunities to shift goods shipments to rail to help reduce the demand for freight on Tualatin's roads.
- ◆ **Freight Policy 3:** Look for opportunities to create multi-modal hubs to take advantage of the freight rail lines

Transportation Demand Management

- ◆ **TDM Policy 1:** Support demand reduction strategies, such as ride sharing, preferential parking, and flextime programs
- ◆ **TDM Policy 2:** Partner with the Chamber of Commerce, the Westside Transportation Alliance, major employers, and business groups to implement TDM programs
- ◆ **TDM Policy 3:** Explore the use of new TDM strategies to realize more efficient use of the City's transportation system

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON
3

4 TERRA HYDR INC, TONQUIN INDUSTRIAL LLC,
5 BOB ALBERTSON, DONNA ALBERTSON,
6 ALBERTSON TRUCKING INC, MARK BROWN,
7 MCCAMMANT PROPERTIES INC, ERIC JOHNSON,
8 BROWN TRANSFER INC, MCGUIRE BROTHERS LLC,
9 STEVE MCGUIRE,
10 *Petitioners,*
11

12 vs.
13

14 CITY OF TUALATIN,
15 *Respondent,*
16

17 and
18

19 METRO,
20 *Intervenor-Respondent.*
21

22 LUBA No. 2013-016
23

24 FINAL OPINION
25 AND ORDER
26

27 Appeal from City of Tualatin.
28

29 Wendie L. Kellington, Lake Oswego, filed the petition for review and argued on
30 behalf of petitioners.
31

32 Sean T. Brady, Tualatin, filed the response brief and argued on behalf of respondent.
33

34 Roger A. Alfred, Metro Senior Attorney, Portland, filed a response brief and argued
35 on behalf of intervenor-respondent.
36

37 BASSHAM, Board Member; HOLSTUN, Board Chair; RYAN, Board Member,
38 participated in the decision.
39

40 REMANDED

11/01/2013
41

42 You are entitled to judicial review of this Order. Judicial review is governed by the
43 provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioners appeal a city ordinance adopting a new city transportation system plan (TSP), which in relevant part adopts a map and financing provisions reflecting the proposed construction of a regional trail within the city.

FACTS

This appeal is one of several related appeals concerning the Ice Age Tonquin Trail (hereafter, the Trail), a proposed 22-mile trail connecting the Tualatin River to the Willamette River, which will run through the cities of Tualatin, Sherwood, Wilsonville and unincorporated areas of Washington and Clackamas Counties.¹

For a number of years, Metro staff in partnership with affected cities and counties has studied and planned for the new trail, resulting in Metro's development of the Ice Age Tonquin Trail Master Plan (TTMP), which the Metro Council approved by resolution on February 28, 2013. A few days earlier, on February 25, 2013, the city council considered a resolution that approves the draft TTMP, and that directs staff to prepare amendments to the city's parks master plan, development code and TSP to implement relevant portions of the TTMP. As it happened, the city was almost finished with a separate legislative proceeding to adopt a new TSP. The proposed new TSP included a map that reflects the Trail alignment proposed in the TTMP, as well as cost estimates and other text concerning the Trail. At that February 25, 2013 meeting, the city council adopted the resolution approving the TTMP, and also adopted by ordinance the new TSP. The new TSP is the subject of the present appeal.

Petitioners' challenges to the new TSP are focused exclusively on the elements that concern the Trail and the TTMP. Petitioners are a group of businesses located on roughly

¹ For further background, see *Terra Hydr v Washington County*, __ Or LUBA __ (LUBA No. 2013-017/018/019/025, July 26, 2013), Order on Motions to Dismiss; and *Terra Hydr v. Metro*, __ Or LUBA __ (LUBA No. 2013-025, November 1, 2013).

1 fifty acres of land in unincorporated Washington County, but within the City of Tualatin's
2 planning area, in an area designated by Metro as a Regionally Significant Industrial Area
3 (RSIA). RSIA's are special industrial areas that are located near the region's most significant
4 transportation facilities and most suitable for movement of goods. The particular RSIA in
5 which petitioners' property is located is known as the Tonquin Industrial Group RSIA, or
6 TIG RSIA, which is located near Interstate 5. As explained below, Metro's legislation
7 generally requires that local governments protect RSIA's from incompatible uses and
8 specifically prohibits allowing several types of non-industrial uses in RSIA, including
9 "parks."

10 The TTMP adopted by Metro and approved by the city on February 25, 2013, includes
11 detailed plans that propose approximately 147,000 square feet of trail on petitioners'
12 property, to be acquired by Metro, not including acreage for associated Trail facilities. In
13 addition to the Trail itself, the TTMP proposes within the TIG RSIA a trailhead for public
14 access, an art, educational or interpretative facility of some kind, and two directional signs.

15 The new TSP includes a new bicycle and pedestrian policy, Policy 2, providing that
16 the city will "[w]ork with partner agencies to support and build the Ice Age Tonquin Trail."
17 Record 1058. The TSP also includes Figure 7, a map depicting existing and proposed bicycle
18 and pedestrian facilities. Figure 7 is a small scale map, and does not depict property
19 boundaries or other detailed information. A notation at the bottom states that "All locations
20 are approximate." Figure 7 includes a dark blue line representing the portions of the Trail
21 proposed in the city. The location of the dark blue line is consistent with the more detailed
22 Trail alignments proposed in the TTMP, and appears to show the Trail alignment crossing
23 through the TIG RSIA that includes petitioners' property. A map annotation identifies
24 "Regional Bicycle & Pedestrian Projects" and lists one project as: "Build the Tonquin Trail."
25 The map also depicts three short connecting trails north of petitioners' property, with an

1 annotation proposing to “Connect Tonquin Trail with neighborhoods.” TSP Table 13
2 includes a 7 million dollar cost estimate for these trail connections.

3 TSP Table 15 lists regional multi-use path project costs estimates and prioritization.
4 Project BP18 is to “Build the segments of the Ice Age Tonquin Trail in the City,” for an
5 estimated cost of \$37 million dollars. Priority is listed as “Medium/Long term.” A footnote
6 attached to Project BP18 states in relevant part that:

7 “The exact alignment through or near the property held by the Tonquin
8 Industrial Group land owners in the SW Concept Plan area has not been
9 determined. The final trail alignment and design and construction details will
10 all be developed in the undetermined future and the processes will be
11 conducted with the participation of land owners, adjacent property owners, the
12 general public and other stakeholders at such time that the area annexes.”
13 Record 1063.

14 Finally, the findings supporting the TSP include findings concluding that construction of the
15 Tonquin Trail will help establish that the TSP is consistent with (1) a city policy requiring the
16 city to link its park and recreation system with a system of greenways and bicycle-pedestrian
17 facilities, and (2) Statewide Planning Goal 8 (Recreation). The findings also conclude that
18 the TSP is consistent with Metro’s Urban Growth Management Functional Plan (UGMFP)
19 and Metro’s Regional Transportation Functional Plan (RTFP).

20 **SECOND ASSIGNMENT OF ERROR**

21 Petitioners argue that the TSP, by proposing construction of the Trail across
22 petitioners’ property located within a RSIA, is inconsistent with Metro policies protecting
23 RSIAAs.

24 Statewide Planning Goal 2 (Land Use Planning) requires that the city’s TSP comply
25 with “regional plans adopted under ORS [chapter] 268.” Pursuant to authority granted under
26 ORS chapter 268, Metro has adopted several regional plans, including the Regional
27 Framework Plan (RFP) and its components, including two functional plans, the UGMFP and
28 the RTFP.

1 RFP Policy 1.4.4 requires local governments to protect regionally significant
2 industrial areas from “incompatible uses.” RFP Policy 1.4.4 is implemented in part by Title 4
3 of the UGMFP, which is codified at Metro Code (MC) 3.07.410 *et seq.* MC 3.07.410 is the
4 purpose statement for Title 4, and states in relevant part that “Title 4 seeks to provide and
5 protect a supply of sites for employment by limiting the types and scale of non-industrial uses
6 in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas.”

7 Title 4 and other UGMFP titles include a number of provisions intended to protect
8 RSIAs by limiting the types and scale of non-industrial uses. The TIG RSIA was brought
9 into the UGB in 2002. Until the city adopted planning and zoning that complied with the
10 UGMFP, MC 3.07.1130(D)(2) prohibited the city from approving within the RSIA “a park or
11 any other institutional or community service use intended to serve people who do not work or
12 reside in the area.” As discussed below, the city subsequently adopted planning and zoning
13 designations intended to comply with Title 4.

14 MC 3.07.420 addresses the “Protection of Regionally Significant Industrial Areas.”
15 MC 3.07.420(D) provides:

16 Cities and counties shall review their land use regulations and revise them, if
17 necessary, to prohibit the siting of schools, places of assembly larger than
18 20,000 square feet or parks intended to serve people other than those working
19 or residing in the RSIA.”

20 As explained below, the city has adopted zoning that prohibits “parks and recreational
21 facilities” in the TIG RSIA.

22 Under the second assignment of error, petitioners argue the proposed Trail constitutes
23 a “park” within the meaning of MC 3.07.420(D), because it is a linear recreational facility
24 that is clearly intended to serve people other than those working or residing within the RSIA.²

² Petitioners also argue that the Trail and associated facilities may constitute “places of assembly larger than 20,000 square feet.” We do not address this alternative argument, because our conclusion below that the Trail constitutes a “park” within the meaning of MC 3.7.420(D) is dispositive. However, we tend to agree with respondents that the Trail and associated facilities likely do not constitute “places of assembly” within the meaning of MC 3.7.420(D).

1 Because the TSP approves a “park” within the TIG RSIA, petitioners argue that the TSP is
2 inconsistent with MC 3.07.420(D). Before turning to the merits of that argument, we first
3 address two preliminary issues raised by the city.

4 **A. Specific Alignment**

5 As an initial matter, the city argues that most of the alleged conflicts between the
6 Trail and petitioners’ industrial uses claimed by petitioners throughout the petition for review
7 stem from the specific alignment proposed in the TTMP’s detailed maps.³ However, the city
8 argues that the challenged decision is the city’s TSP, not Metro’s TTMP, and the TSP
9 expressly states that the exact alignment for the Trail through the RSIA has not yet been
10 determined. We understand the city to argue that petitioners cannot obtain reversal or
11 remand of the challenged TSP based on conflicts associated with a particular alignment,
12 because the TSP does not choose a particular alignment across the TIG RSIA.

13 We generally agree with the city that petitioners’ challenges in this appeal are limited
14 to the determinations made in the TSP, which do not include the exact alignment of the Trail
15 through the TIG RSIA. Figure 7 in the TSP adopts a general alignment that no party disputes
16 crosses through the TIG RSIA, but the TSP expressly does not choose a particular alignment
17 within the TIG RSIA.

18 That said, the question presented in the second assignment of error is not dependent
19 on a particular alignment, nor does it turn on the existence of specific conflicts or
20 incompatibilities. That question is a legal one: whether the Trail that the TSP proposes for
21 construction across the TIG RSIA constitutes a “park” within the meaning of MC
22 3.07.420(D). In answering that question, we see no error in evaluating the Trail as proposed

³ For example, petitioners argue that the TTMP maps depict the trail alignment in a portion of the TIG RSIA within the narrow right of way of McCament Drive, which petitioners contend will make it impossible for petitioners to use McCament Drive for freight mobility needs. However, that particular alleged incompatibility will exist only if Metro and the city in fact decide to locate the trail alignment within McCament Drive right-of-way, as opposed to elsewhere in the TIG RSIA.

1 in the TTMP, including the associated facilities that the TTMP proposes within the TIG
2 RSIA, and elsewhere within the city. The city has formally approved the TTMP by
3 resolution, and in the challenged TSP the city has adopted a general alignment and financing
4 provisions to construct the Trail segments as proposed in TTMP. Even if the specific
5 alignment has not yet been determined, there is little room for doubt that the TSP reflects the
6 city's intent to construct the Trail as proposed in the TTMP, including the trailhead,
7 interpretative and other facilities proposed in the TIG RSIA and elsewhere in the city. In
8 short, in determining whether the Trail constitutes a "park" within the meaning of the
9 applicable legislation, we think it appropriate to consider the character of the entire Trail.

10 As proposed in the TTMP, the 22-mile long Trail will consist not only of the 14-foot
11 wide constructed multi-use bicycle and pedestrian path, which petitioners allege will occupy
12 approximately 147,000 square feet within the TIG RSIA, but a number of other features,
13 most notably trailheads, including a trailhead proposed within the TIG RSIA. As described
14 in the TTMP, "minor" trailheads can include parking, drinking fountains, benches, bicycle
15 racks, trash receptacles, pet waste bag dispensers, and an information kiosk. Petition for
16 Review App 3, 89. A "major" trailhead (which is apparently what is contemplated for the
17 TIG RSIA) can include, in addition, restrooms, shelters, picnic areas, wayfinding stations,
18 interpretative signs, a secure bike parking area, a bike maintenance station, a fitness course,
19 and a larger parking area. *Id.* In addition, the TTMP proposes a number of art, educational
20 and interpretative facilities, including one within the TIG RSIA. These facilities will provide
21 "trail users with information about the trail, native flora and fauna, history and culture, and
22 the significance of elements along the trail." *Id.* at 92. Signage themes are tied to the Ice
23 Age Floods National Geologic Trail, and could include information on geology and natural
24 history, wildlife and habitat, native plants and ecology, cultural history, and the Glacial Lake
25 Missoula Ice Age floods. *Id.* Indeed, the general alignment of the Trail was chosen to
26 provide users an opportunity to observe and learn about distinctive geologic landforms left

1 over from the ice age floods, including glacial erratics, scablands, kolk ponds, flood channels
2 and ripple marks. As proposed in the TTMP, and as partially implemented in the TSP, the
3 Trail viewed as a whole appears to be a multi-featured recreational and educational facility.
4 As explained below, we agree with petitioners that the Trail is a “park” within the meaning of
5 MC 3.07.420(D).

6 **B. Applicability of UGMFP.**

7 The city also argues that nothing in the UGMFP, including MC 3.07.420(D), applies
8 to the challenged TSP. According to the city, the only Metro criteria that apply to adoption of
9 the TSP are those found in Metro’s RTFP, the Regional Transportation Functional Plan. The
10 city cites MC 3.07.010 and 3.07.020, part of the UGMFP, to support that assertion.
11 However, neither provision supports the city’s argument.⁴ The closest language is the last
12 sentence of MC 3.07.020, which states only that the RTFP serves as the “primary

⁴ MC 3.07.010 and 3.07.020 provide:

“3.07.010 Purpose

“The regional policies which are adopted by this Urban Growth Management Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances. The purpose of this functional plan is to implement regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. The comprehensive plan changes and related actions, including implementing regulations, required by this functional plan as a component of the Regional Framework Plan, shall be complied with by cities and counties as required by Section 5(e)(2) of the Metro Charter.

“Any city or county determination not to incorporate all required functional plan policies into comprehensive plans shall be subject to the conflict resolution and mediation processes included within the RUGGO, Goal I provisions, prior to the final adoption of inconsistent policies or actions.

“3.07.020 Regional Policy Basis

“The regional policies adopted in this Urban Growth Management Functional Plan are formulated from, and are consistent with, the RUGGOs, including the Metro 2040 Growth Concept. The overall principles of the Greenspaces Master Plan are also incorporated within this functional plan. In addition, the Regional Transportation Functional Plan (RTFP), adopted on June 10, 2010, as Metro Code 3.08, serves as the primary transportation policy implementation of the 2040 Growth Concept.”

1 transportation policy implementation of the 2040 Growth Concept.” However, that statement
2 does not get anywhere near suggesting that a city’s TSP is exempt from complying with
3 otherwise applicable UGMFP policies. Further, we note that the city council’s adopted
4 findings conclude that the TSP is consistent with the UGMFP, which does not suggest that
5 the city council believed that the UGMFP is inapplicable.

6 **C. The Trail is a “Park” within the meaning of MC 3.07.420(D).**

7 On the merits of the second assignment of error, the city and Metro both argue that
8 under Metro’s legislation and as implemented in the city’s code , a “trail” does not constitute
9 a “park” within the meaning of MC 3.07.420(D). In fact, respondents argue, both Metro and
10 the city’s code allow “trails” as outright permitted uses in RSIA’s.

11 Petitioners’ argument that the Trail constitutes a “park” within the meaning of MC
12 3.07.420(D) begins with the definition of “park” at MC 10.01.020(d). MC 10.01.020(d)
13 defines “park” to mean “a forest, reservation, playground, beach, natural area, recreation
14 center, cemetery, or any other similar area owned, operated or managed by Metro, through its
15 Regional Parks and Greenspaces Department, and devoted to active or passive recreation.”
16 Petitioners argue that the Trail falls within the broad definition at MC 10.01.020(d), because
17 it will be a linear recreation area, similar to a beach, parts of which will be owned and
18 perhaps managed by Metro, and clearly devoted to active and passive recreation.

19 MC 10.01.020(d) is part of a section of Metro Code that provides regulations for the
20 use of Metro owned or operated regional parks and greenspaces facilities. Initially, it is
21 doubtful that MC 10.01.020(d) is intended to provide a definition for the term “park” as that
22 term is used in MC 3.07.420(D). The definition at MC 10.01.020(d) is directed solely at
23 Metro owned or operated facilities, while MC 3.07.420(D) is directed at parks authorized by
24 cities and counties. Those two categories may overlap but are not identical. The term “park”
25 as used in MC 3.07.420(D) clearly encompasses parks authorized under city or county plans
26 and regulations, including parks owned or operated by cities, counties and special districts.

1 In other words, the term “park” used in MC 3.07.420(D) is broader than the term as defined
2 in MC 10.01.020(d), because it includes city or county parks not owned or operated by
3 Metro. Metro parks as defined at MC 10.01.020(d) presumably also require authorization
4 under city and county plans and regulations, and are therefore also included in the scope of
5 the term “park” as used in MC 3.07.420(D). One uncertainty in the present case is that it is
6 not clear to us which entities will own and operate the Trail. As we understand it, Metro will
7 acquire and own much of the 22-mile long Trail, but the TTMP contemplates that the three
8 cities involved will manage and maintain the portions of the Trail within their jurisdictions,
9 presumably through their parks and recreation departments.

10 However, we do not see that uncertainty over ownership or management matters for
11 purposes of resolving whether the Trail is a “park” within the meaning of MC 3.07.420(D).
12 If Metro does not own or manage the Trail, and the definition at MC 10.01.020(d) does not
13 apply for that reason, then we must decide the meaning of “park” as used in MC 3.07.420(D)
14 without the assistance of that definition. If Metro’s legislation does not supply a definition or
15 answer, then it seems appropriate to consider applicable city or county code definitions and
16 general dictionary definitions. As discussed below, the proposed Trail seems to fall plainly
17 within the city’s code definition of “park.” In addition, the Trail also appears to fall within
18 the broad dictionary definition. *See Webster’s Third New Int’l Dict.* (2002), 1642 (defining
19 park in relevant part as a “tract of land maintained by a city or town as a place of beauty or of
20 public recreation”).

21 Turning to the city’s code, Tualatin Municipal Code (TMC) 5-02-030 defines “park”
22 in relevant part to include “public bike paths and pedestrian ways (but not sidewalks along
23 city streets), [and] recreation facilities * * *.” Petitioners argue that the Trail falls within the
24 city’s broad definition, either as public bike path and pedestrian way or as a recreation
25 facility.

1 Further, petitioners argue that it is consistent with the purpose of MC 3.07.420(D) to
2 treat the proposed regional trail as a “park,” because the trail is clearly “intended to serve
3 people other than those working or residing in the RSIA” and will effectively remove a
4 certain amount of acreage within RSIA’s from potential industrial use and development.
5 Petitioners contend the purpose of MC 3.07.420(D) is to preserve scarce regionally
6 significant industrial areas for industrial uses, by prohibiting certain communal facilities that
7 are intended to serve the broader community rather than the workers or residents of a RSIA.
8 That purpose is also reflected in MC 3.07.410, the general purpose statement for Title 4,
9 which as noted provides that Title 4 is intended to “protect a supply of sites for employment
10 by limiting the types and scale of non-industrial uses in Regionally Significant Industrial
11 Areas.”

12 Metro’s response does not address petitioners’ arguments based on the definitions at
13 MC 10.01.020(d) and TMC 5-02-030, or dispute petitioners’ view of the purpose of the
14 Metro provisions protecting RSIA’s. Instead, Metro argues that (1) nothing in Metro’s
15 legislation specifically states that a regional trail constitutes a “park” for purposes of MC
16 3.07.420(D) and (2) context provided by one Metro Code provision suggests that a “trail”
17 may be a feature of a Metro park, and therefore, Metro argues, a trail cannot constitute a
18 “park” by itself. Metro cites to MC 10.01.0120, which is part of the regulations governing
19 use of Metro parks and greenspaces, and which states that within the boundary of a Metro
20 “park” a bicyclist shall be permitted to ride a bicycle over “any grassy area or wooded trail[.]”
21 Metro argues that “[i]f petitioners are correct that all trails are also always a ‘park,’ then this
22 code section is nonsensical.” Metro Response Brief 5.

23 However, petitioners are not arguing that all trails are necessarily parks. They are
24 arguing, and we do not understand Metro to dispute, that the proposed regional trail facility
25 falls within the broad definitions of “park” at MC 10.01.020(d) and TDC 5-02-030. Under
26 any definition, a “park” can certainly consist of a recreational area that includes within it

1 multiple recreational features, such as playgrounds and trails. However, there is no logical or
2 textual reason why a “park” cannot also consist of a linear recreational area dominated by a
3 single recreational element, such as multi-use shared path. That view is consistent with MC
4 10.01.020(d), which defines “park” to mean, among other things, a “playground” or a
5 “beach.” That is, a recreational area that consists solely of a playground or a beach may be a
6 “park” as defined at MC 10.01.020(d). Similarly, under TDC 5-02-030, a recreational area
7 consisting solely of public bike paths and pedestrian ways can clearly constitute a “park.”

8 It is true that nothing cited to us in Metro’s legislation expressly states that a regional
9 trail can be a “park” for purposes of MC 3.07.420(D). But it is equally true that nothing cited
10 to us in Metro’s legislation states that a regional trail is not a “park” for purposes of MC
11 3.07.420(D). As to the context provided by the bicycle regulations at MC 10.01.120, at most
12 that context suggests that “wooded trails” are a possible feature of Metro parks, not that a
13 regional trail such as the proposed Trail cannot be a “park” for purposes of MC 3.07.420(D).
14 As explained above, MC 10.01 is the set of regulations governing the use of Metro-owned or
15 operated parks. The term “park” in MC 3.07.420(D) is broader than the category of Metro-
16 owned or operated parks, and obviously includes city and county parks. To the extent the
17 bicycle regulations at MC 10.01.120 can be understood to impliedly limit what constitutes a
18 Metro park, it cannot be understood to limit the broader meaning of “park” as that term is
19 used in MC 3.07.420(D).

20 Perhaps most importantly, Metro does not dispute petitioners’ argument that it is
21 consistent with the purpose of Title 4 in general and MC 3.07.420(D) in particular to treat the
22 proposed Trail as a “park.” The Trail is clearly intended to serve people other than workers
23 or residents of an RSIA, and it will remove land within at least the TIG RSIA from potential
24 industrial use. Petitioners argue, and no party disputes, that within the TIG RSIA alone the
25 proposed Trail will occupy over three acres of industrial land, not counting the acreage
26 necessary for the proposed art, educational or interpretative facility or trailhead amenities

1 such as parking, restrooms, etc. We agree with petitioners that it is consistent with the
2 purpose of MC 3.07.420(D) and the Title 4 scheme to protect RSIA's to treat the proposed
3 Trail as a "park."

4 **D. The Trail is a "Park" within the meaning of the city's legislation.**

5 Metro and the city next argue that the most convincing support for their view that the
6 Trail should not be treated as a "park" for purposes of MC 3.7.420(D) is that the city's
7 development code allows "trails" as outright permitted uses in the TIG RSIA.

8 However, respondents have not established that the city's code allows the proposed
9 Trail in the TIG RSIA. The city assumed planning responsibility for the TIG RSIA when the
10 area was brought into the UGB. As noted, until the city adopted planning and zoning that
11 complied with the UGMFP, MC 3.07.1130(D)(2) prohibited the city from approving within
12 the RSIA "a park or any other institutional or community service use intended to serve people
13 who do not work or reside in the area." After the city adopted a concept plan and
14 comprehensive planning for the area, the city zoned the TIG RSIA "Manufacturing Business
15 Park" or MBP, and applied an overlay zone, the Tonquin Light Manufacturing Overlay zone.
16 The overlay zone allows all uses permitted in the MBP base zone, with some additional uses
17 and restrictions. However, neither zone expressly allows "trails," much less "regional trails,"
18 in the TIG RSIA.

19 The closest the MBP regulations come is to allow "Greenways and Natural Areas,
20 including but not limited to bike and pedestrian paths and interpretive stations." Tualatin
21 Development Code (TDC) 64.020(11). Metro and the city apparently understand TDC
22 64.020(11) to allow bike and pedestrian paths and interpretative stations, and by extension a
23 regional trail, as an outright permitted use in the MBP zone. However, what that provision
24 instead allows is "greenways" and "natural areas," which can *include* bike and pedestrian
25 paths. It does not purport to authorize bike and pedestrian paths in places other than in
26 greenways and natural areas. As discussed below, the TDC provisions governing wetlands

1 and natural areas allow trails and bicycle and pedestrian paths, subject to restrictions.
2 However, according to the city, there are no greenways, natural areas or other similarly
3 protected resources within the TIG RSIA.

4 Given the purpose of the MBP zone and Title 4 of the UGMFP to protect industrial
5 sites from non-industrial uses, it makes regulatory sense to allow bike and pedestrian paths in
6 greenways and natural areas that may be located within an RSIA, but not a regional trail such
7 as the proposed Trail. That is because greenways and natural areas are typically protected
8 and not developable with industrial uses in any event. Allowing bike and pedestrian paths in
9 greenways and natural areas, even within an RSIA, seems consistent with MC 3.07.420(D),
10 because greenways or natural areas do not compete with industrial uses for scarce land, which
11 is a chief regulatory concern of UGMFP 3.07.420(D) and of Title 4 in general. Conversely,
12 allowing in RSIA a regional trail and associated facilities that are intended to serve non-
13 residents and non-workers, and that remove potentially significant amounts of otherwise
14 developable land from industrial use, seems inconsistent with the purpose of UGMFP
15 3.07.420(D) and Title 4.

16 As noted, the city specifically implemented MC 3.07.420(D) by providing in the
17 Tonquin Light Manufacturing Overlay zone that “parks and recreation facilities” are
18 prohibited in the TIG RSIA. TDC 64.040(8). In this respect, the TDC appears to be more
19 protective of the RSIA than Metro would require, since *all* parks are prohibited, as well as all
20 “recreational facilities,” not just those intended to serve persons who do not reside or work in
21 the industrial area. As noted, the city’s municipal code broadly defines “park” to include
22 “public bike paths and pedestrians ways” excluding sidewalks, as well as “recreational
23 facilities.” TMC 5-02-030. The city’s code includes no definition of “recreational facility”
24 that we can find. However, the proposed Trail plainly falls within the definition at TMC 5-
25 02-30, and appears to fall squarely within the prohibition on “parks and recreational
26 facilities.” Again, given the purpose of UGMFP 3.07.420(D) and Title 4, and the MBP and

1 Tonquin Light Manufacturing Overlay zone, to protect industrial sites from competition with
2 non-industrial uses that serve the broader community, it seems entirely appropriate to
3 understand the scope of “parks and recreation facilities” as those terms are used in TDC
4 64.040(8) to include the proposed regional trail facility.

5 **E. Public Facilities and Services**

6 Finally, the city argues that the proposed regional trail is allowed outright in the TIG
7 RSIA as a type of “public facilities and services.” Title 4 limits land divisions within RSIA,
8 in order to preserve larger parcels of land for industrial uses. However, MC 3.07.420(F)(4),
9 part of the Title 4 UGMFP provisions protecting RSIA, provides for an exception, to allow a
10 local government to subdivide property or to subject property to rights-of-way within an
11 RSIA in order to “[t]o provide public facilities and services,” or to “provide a public
12 amenity.”⁵ The city argues that the Trail is a “public facility” or a “public amenity,” and
13 therefore the Trail is allowed outright in the TIG RSIA.

14 The city does not cite to any definition of “public facilities and services,” “public
15 amenity,” or any Metro legislation that purports to include the Trail or any regional trail
16 within the scope of “public facilities and services” or “public amenity.”

⁵ MC 3.07.420(F) provides, in relevant part:

“Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

“* * * * *

“4. Notwithstanding paragraphs 2 and 3 of this subsection [limiting land divisions in RSIA], any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

“a. To provide public facilities and services;

“b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225[.]”

1 Although the city does not cite it, we note that MC 3.07.1010(vv) defines the term
2 “public facilities and services” to mean “sewers, water service, stormwater services and
3 transportation.” Notably, that definition does not mention trails or regional trails. Although
4 the city does not make this argument, it is certainly possible to argue that the Trail will
5 function, at least in part, as a facility for “transportation.” The city has adopted a general
6 Trail alignment and financing provisions into its TSP, and as noted Metro contemplates that
7 the specific Trail alignment, once that is determined, will be adopted into Metro’s Regional
8 Transportation Plan. As we understand it, the Trail alignment must be adopted into local
9 transportation plans in order to qualify for federal transportation funding. Thus, the Trail
10 could be viewed, at least for some purposes, as a transportation facility, and be characterized
11 as a “public facility” within the meaning of MC 3.07.420(F)(4).

12 However, absent a more developed argument from respondents, we decline to
13 conclude that the Trail must be characterized as a “public facility” for purposes of MC
14 3.07.420(F)(4), and therefore is not a “park” for purposes of MC 3.07.420(D). No party has
15 cited, and we cannot find, any Metro legislation that suggests that the Trail or any regional
16 trail must be exclusively characterized as a transportation facility or public facility for
17 purposes of Title 4. As far as we can tell, Metro’s plans and legislation appear to treat the
18 Trail and regional trails in general as recreational facilities or, at most, a hybrid of
19 recreational and transportation facilities.

20 Metro first identified the Tonquin Trail and other regional trails as regional assets to
21 be planned and developed in the 1992 Greenspaces Master Plan. Portions of the 1992
22 Greenspaces Master Plan were later incorporated into Chapter 3 of the RFP, entitled “Nature
23 in Neighborhoods,” and RFP Appendix H, entitled “Parks, Open Space and Recreation,”
24 which sets out a number of policies governing parks, opens spaces, natural areas and regional
25 trails. Notably, there is nothing in RFP Chapter 2, the RFP transportation element, that
26 mentions regional trails. The RTFP is the functional plan that imposes transportation

1 requirements on local governments. The RTFP mentions regional trails only once, in
2 requiring local governments to allow connections between a number of uses, including
3 regional trails. The Regional Transportation Plan (RTP), a component of the RFP, is Metro's
4 over-arching transportation plan for the entire region, intended to satisfy federal planning and
5 financing requirements. The RTP includes a map of the regional trail network. However, as
6 far as we can tell the RTP includes few if any substantive policies regarding regional trails.
7 As noted, the bulk of Metro's substantive policy planning for regional trails appears to be
8 located in RFP Chapter 3 and RFP Appendix H. We can find nothing in Metro's legislation
9 that purports to require that regional trails be treated exclusively as transportation facilities.

10 If the Trail consisted simply of a pedestrian and bicycling facility, it might be easier
11 to characterize it exclusively as a facility for "transportation" and hence a "public facility"
12 within the meaning of MC 3.07.420(F). But, as explained above, the Trail as proposed in the
13 TTMP is a many-featured recreational and educational facility. The TTMP proposes a
14 number of trailheads, including one within the TIG RSIA. Trailheads can include a large
15 parking area, drinking fountains, benches, bicycle racks, trash receptacles, pet waste bag
16 dispensers, information kiosks, restrooms, shelters, picnic areas, wayfinding stations,
17 interpretative signs, a secure bike parking area, a bike maintenance station, and a fitness
18 course. In addition, the TTMP proposes a number of art, educational and interpretative
19 facilities, including one within the TIG RSIA, providing users with information about ice age
20 floods and the significance of flora, fauna, history and culture along the trail. The Trail
21 alignment terminates at the Tualatin River and the Willamette River, and was chosen to
22 connect remnants of the ice age floods landscape and existing parks and natural areas.
23 However the Trail is characterized, it is not exclusively or even primarily a transportation
24 facility. The most accurate characterization seems to be that the Trail is primarily a
25 recreational facility that also has a limited role as a transportation facility.

1 However, as a matter of law, the Trail cannot be both a “park” within the meaning of
2 MC 3.07.420(D) and a “public facility” with the meaning of MC 3.07.420(F)(4). One use
3 category is prohibited in RSIA and the other is allowed. If the Trail must be characterized as
4 one or the other, in our view the characterization that is most consistent with the text and
5 purpose of the Title 4 scheme for protecting RSIA is to characterize the Trail as a park. As
6 noted, the Trail is not intended to serve industrial uses in an RSIA and will necessarily
7 remove some acreage from potential industrial development. The Trail is fundamentally a
8 recreational facility serving the larger regional community. Public facilities like water,
9 sewer, stormwater and transportation typically serve the area in which they are located or may
10 represent essential infrastructure for the broader community. However, the proposed regional
11 Trail is not intended to serve the TIG RSIA and is more a desired community amenity than
12 essential infrastructure.

13 MC 3.07.420(F)(4) also allows, as an exception to the general prohibition on certain
14 land divisions within RSIA, that land may be divided or separated to “provide a public
15 amenity.” In addition to arguing that the Trail is a “public facility,” the city argues that the
16 Trail is allowed within an RSIA as a “public amenity.” The Metro Code does not include a
17 definition of “public amenity.” However, the scope of a “public amenity” clearly cannot
18 include a “park” or any other use prohibited in RSIA under Title 4, so the same
19 interpretative issue is presented: should the Trail be characterized as a “park” or “public
20 amenity” for purposes of MC 3.07.420(D) and Title 4? The answer, it seems to us, is the
21 same. Because the Trail is most accurately characterized as a “park,” we conclude that it is
22 not a “public amenity” within the meaning of MC 3.07.420(F)(4).

23 **F. Conclusion**

24 In sum, we agree with petitioner that the Trail as a whole constitutes a “park” within
25 the meaning of MC 3.07.420(D) and TDC 64.040(8), and therefore the city erred in locating
26 the Trail alignment within the TIG RSIA. Remand is necessary for the city to modify TSP

1 Figure 7 to reflect a different Trail alignment outside the TIG RSIA, or to adopt other
2 measures consistent with this opinion.

3 The second assignment of error is sustained.

4 **FIRST ASSIGNMENT OF ERROR**

5 The first assignment of error alleges that the city's decision to locate the Trail
6 alignment within the TIG RSIA violates the consistency requirement of Statewide Planning
7 Goal 2 (Land Use Planning), which requires that local government decisions be consistent
8 with regional plans adopted under ORS chapter 268. Petitioners argue that, for the same
9 reasons set out in the second assignment of error, the Trail alignment adopted by the city is
10 inconsistent with MC 3.07.420(D). Also for the same reasons, petitioners argue that the city
11 violated the coordination obligation of Goal 2, and its decision is not supported by an
12 adequate factual base.

13 As far as we can tell, petitioners' arguments under Goal 2 are entirely derivative of
14 petitioners' arguments based on MC 3.07.420(D), and do not provide an independent basis
15 for reversal or remand. Accordingly, we do not resolve the first assignment of error.

16 **THIRD ASSIGNMENT OF ERROR**

17 The third assignment of error argues that the city's decision is contrary to Statewide
18 Planning Goal 9 (Economic Development), because locating the Trail alignment within the
19 city's industrial areas, including the TIG RSIA, will reduce the supply of land available for
20 industrial uses, and fails to protect industrial development from incompatible uses. Goal 9
21 and related administrative rules require that local governments maintain an "adequate supply"
22 of industrial land.

23 Our conclusion under the second assignment of error that the city is prohibited from
24 locating the Trail alignment within the TIG RSIA obviates many of the arguments under this
25 assignment of error. Petitioners also appear to make a broader Goal 9 challenge not limited
26 to the TIG RSIA, arguing that locating the Trail alignment within any non-RSIA industrial

1 area in the city requires analysis under Goal 9 with respect to the adequacy of the city's
2 supply of industrial land. That might be, but petitioners do not identify other industrial areas
3 through which the city's decision locates the Trail alignment, other than the TIG RSIA.⁶
4 Absent a more focused argument, petitioners' arguments under the third assignment of error
5 do not provide a basis to reverse or remand the city's decision.

6 The third assignment of error is denied.

7 **FOURTH AND FIFTH ASSIGNMENTS OF ERROR**

8 OAR 660-012-0060 is part of the Transportation Planning Rule (TPR), which
9 implements Statewide Planning Goal 12 (Transportation). OAR 660-012-0060 requires in
10 relevant part that plan amendments that have a significant effect on a transportation facility
11 comply with the further requirements of the rule. Petitioners argue that the city failed to
12 consider whether allowing a new non-industrial use in industrial areas, including the TIG
13 RSIA, will significantly affect transportation facilities needed for freight mobility, and the
14 city's ability to comply with the TPR requirement at OAR 660-012-0030(1)(c) to identify
15 "[n]eeds for movement of goods and services to support industrial and commercial
16 development," and RTP provisions governing freight mobility.

17 Again, our conclusion under the second assignment of error that the Trail alignment is
18 prohibited in the TIG RSIA, and by extension any other RSIA, would appear to obviate much
19 of this assignment of error.

20 Petitioners' arguments can be read more broadly, however, to argue that the city failed
21 to consider the impact of constructing the Trail on industrial freight mobility in the larger

⁶ The city's response includes a citation to the city's industrial lands inventory, updated in 2011, which appears to show that the city has an ample amount of vacant land zoned for industrial use, in excess of the city's planned needs. Given this oversupply, the city argues that the minimal acreage occupied by the Trail would likely not result in the city's failure to provide an "adequate supply" of industrial lands for purposes of Goal 9. The record of this decision does not conduct such an analysis, and we cannot confirm the city's argument. But we tend to agree with the city that it is unlikely that the relatively small amount of acreage occupied by the Trail in non-RSIA industrial areas, if any, would cause the city to violate the Goal 9 requirement to maintain an "adequate supply" of industrial lands.

1 area surrounding the TIG RSIA, even if the Trail alignment and nearby trailheads are located
2 outside the TIG RSIA. We understand petitioners to argue that any Trail alignment will
3 necessarily cross streets that connect the TIG RSIA and nearby industrial areas to the regional
4 transportation system, causing conflicts and delays that might affect freight mobility, and that
5 locating a trailhead in the area would necessarily attract users and create additional traffic in
6 the larger industrial area. Petitioners argue that nothing in the record indicates that the city
7 considered how approval of the Trail alignment through this area of the city might affect
8 freight mobility and the city's compliance with TPR and RTP standards.

9 The city responds that petitioners have not established that OAR 660-012-0060
10 applies to the challenged decision adopting a new TSP. We agree with the city that OAR
11 660-012-0060 does not apply to a decision that adopts a new TSP. OAR 660-012-0060
12 applies to an "amendment to a * * * comprehensive plan * * *" that "significantly effects" a
13 transportation facility in one of the particular ways specified in the rule.⁷ The TPR

⁷ OAR 660-012-0060(1) provides:

"If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- "(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- "(b) Change standards implementing a functional classification system; or
- "(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - "(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

1 provisions that govern the adoption of a TSP and its required contents are set out in OAR
2 660-012-0015, 660-012-0020, and elsewhere in the TPR. It is the TSP that determines the
3 functional classification of transportation facilities, adopts standards for implementing that
4 functional classification system, and adopts the performance standards for transportation
5 facilities, among other things. It is the TSP that establishes the baseline against which
6 subsequent plan and land use regulation amendments must be measured to determine if they
7 “significantly affect” a transportation facility within the meaning of OAR 660-012-0060(1).
8 While adoption of a new TSP could be viewed as an “amendment” to an acknowledged
9 comprehensive plan, it is difficult to imagine how OAR 660-012-0060 could be meaningfully
10 applied to a decision that adopts a new TSP. For example, it makes no sense to (1) say that a
11 TSP that determines the functional classification of transportation facilities has “changed” the
12 functional classification of a transportation facility for purposes of OAR 660-012-0060(1)(a),
13 (2) conclude that the TSP therefore is an “amendment” that has “significantly affected” that
14 transportation facility, and (3) the TSP decision thus must apply the mitigation and other
15 requirements of OAR 660-012-0060(2) to offset those significant effects. In our view, an
16 “amendment” for purposes of OAR 660-012-0060(1) is just that: an amendment to a
17 functional plan, acknowledged comprehensive plan or land use regulation that changes the
18 baseline established in the acknowledged TSP in one of the ways specified in OAR 660-012-
19 0060(1)(a) through (c). The TSP adopted in the present decision is not an “amendment”
20 within the meaning of OAR 660-012-0060(1).

-
- “(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
- “(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”

1 As to the standards elsewhere in the TPR that clearly *do* apply to adoption of a TSP,
2 petitioners have not demonstrated that the city's TSP fails to satisfy those standards. The
3 city cites to portions of the TSP that address freight mobility in the area that includes the TIG
4 RSIA, concluding that with planned road and rail projects that the transportation
5 infrastructure will serve the area's mobility needs throughout the planning period. According
6 to the city, the TSP also discusses multi-modal opportunities to transport workers to
7 industrial lands in the area, including bicycle and pedestrian facilities, and concludes that the
8 Tonquin Trail would help fill gaps in the city's network of multi-use paths. Petitioners have
9 not demonstrated that more is required to satisfy the TPR or other standards that govern the
10 content or adoption of a TSP.

11 The fourth and fifth assignments of error are denied.

12 **SIXTH ASSIGNMENT OF ERROR**

13 The Trail alignment adopted in the TSP appears to pass through several areas that are
14 included in the city's inventory of significant Statewide Planning Goal 5 (Natural Resources,
15 Scenic and Historic Areas, and Open Spaces) resources. Specifically, petitioners note that the
16 Trail alignment passes through a protected glacial pond area and a wetland area located north
17 of the TIG RSIA. Petitioners argue that the TSP introduces a new conflicting use, the Trail,
18 to these inventoried resource areas, and thus must address the requirements of Goal 5 and the
19 Goal 5 rule at OAR chapter 660, division 023. *See* OAR 660-023-250(3)(b) (local
20 governments must apply Goal 5 to plan amendments that "allows new uses that could be
21 conflicting uses" with inventoried Goal 5 resources).

22 The city responds that it conducted a general Goal 5 analysis in adopting the TSP, and
23 concluded that the TSP is consistent with Goal 5. The city argues that the Trail is not a
24 "conflicting use" within the meaning of OAR 660-023-0250(3)(b) with respect to the two
25 identified resource areas. According to the city, both areas are protected under the city's
26 Wetland Protection and Natural Resource Protection Overlay districts, at TDC chapters 71

1 and 72. The city argues that, in both districts, “trails” and “public bicycle or pedestrian
2 ways” are permitted uses, subject to provisions intended to minimize intrusion into riparian
3 areas.

4 The Wetland Protection and Natural Resources Protection Overlay districts are
5 apparently part of the city’s Goal 5 program to protect these two inventoried resources. We
6 agree with the city that because the city’s program to protect these inventoried resources
7 expressly allows trails or public bicycle and pedestrian ways within the resources areas, that
8 the TSP does not authorize a new “conflicting use” for purposes of OAR 660-023-
9 00250(3)(b). Petitioners have not demonstrated that adoption of the TSP requires additional
10 analysis under Goal 5 or the Goal 5 rule.

11 The sixth assignment of error is denied.

12 **SEVENTH ASSIGNMENT OF ERROR**

13 Statewide Planning Goal 8 (Parks and Recreation) requires local governments to
14 “satisfy the recreational needs” of citizens and visitors. Goal 8 further states that the
15 “requirements for meeting such [recreational] needs * * * shall be planned for by
16 governmental agencies * * * in coordination with private enterprise[.]” The city’s findings
17 cite the adoption of the Trail alignment and other Trail provisions as part of its conclusion
18 that the TSP complies with Goal 8.

19 Petitioners argue that the city failed to comply with Goal 8, because it made no
20 attempt to plan for the Trail “in coordination with private enterprise,” specifically petitioners,
21 before adopting a Trail alignment through the TIG RSIA.

22 Our conclusion under the second assignment of error that the Trail is a “park” that is
23 prohibited in the TIG RSIA appears to moot this assignment of error. To the extent it is
24 necessary to reach the merits, the city cites hundreds of pages in the record indicating an
25 extensive public outreach with industrial groups and others leading to adoption of the TSP.
26 Petitioners do not explain why they could not have participated in such efforts. We do not

1 believe that the requirement for “coordination with private enterprise” in planning how to
2 meet recreational needs means local governments must, prior to planning for a park or
3 recreational facility, engage in specific negotiations with business owners whose property
4 may ultimately be affected by the facility.⁸

5 The seventh assignment of error is denied.

6 **EIGHTH ASSIGNMENT OF ERROR**

7 Petitioners argue that the TSP violates seven city policies that are codified in the
8 TDC.⁹ For six of the seven cited policies, petitioners contend that locating the Trail
9 alignment within the TIG RSIA is inconsistent with those six policies. Our conclusion under
10 the second assignment of error that the Trail is prohibited within the TIG RSIA appears to
11 moot those arguments. We therefore address only the one policy that petitioners argue is
12 violated based on concerns other than the proposal to locate the Trail within the TIG RSIA.

13 TDC 15.020(9) requires the city to link the city’s park and recreation system with a
14 system of greenways and bicycle/pedestrian facilities. The city’s findings state that the Trail
15 is the “major project” proposed in the TSP to help provide the kind of connected system
16 required by TDC 15.020(9). Record 771. However, the findings go on to note that the
17 “proposed alignment is under review at this time and the Ice Age Tonquin Trail Master Plan
18 is not yet adopted.” *Id.*

19 We understand petitioners to argue that the above findings are inconsistent and not
20 supported by an adequate factual base, and that the city cannot rely on the Trail to satisfy the
21 connectivity required by TDC 15.020(9), without also fully and expressly adopting and
22 implementing the TTMP.

⁸ Indeed, the Goal 8 requirement to coordinate with “private enterprise” is probably intended to refer to private enterprises that provide recreational services or facilities, not general business or industrial enterprises.

⁹ The city has a unified comprehensive plan and development code, so the TDC policies are, in effect, comprehensive plan policies.

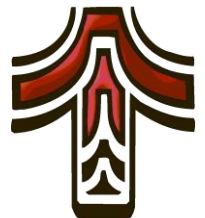
1 The above findings were undoubtedly accurate when written at some point prior to
2 adoption of the TSP on February 25, 2013. But they were no longer entirely accurate as of
3 the date the city adopted the TSP. The TSP itself adopts a general Trail alignment, although
4 the specific alignment has not yet been selected, at least in the TIG RSIA area. Further, on
5 the same date the city council adopted the TSP it “approved” the TTMP by resolution, which
6 initiated or furthered a series of legislative processes to implement relevant portions of the
7 TTMP into the city’s legislation. Regardless, petitioners have not demonstrated that any
8 inaccuracy in the above findings warrants reversal or remand. Petitioners have not identified
9 any legal requirement for the city to fully adopt the TTMP or to identify a specific alignment,
10 as a condition precedent to adopting the TSP provisions that partially implement the TTMP.
11 The TSP is not inconsistent with TDC 15.029(9).

12 The eighth assignment of error is denied.

13 The city’s decision is remanded.

Public Hearing to Consider Draft Ordinance No. 1367-14 on Remand from LUBA

Tualatin City Council Meeting
February 10, 2014



LUBA Remand Order

Context

- Decision on appeal filed on City's 2012 Transportation System Plan (File PTA 12-02)
- Seven of eight grounds for appeal denied
- One ground for appeal affirmed
- Decision remanded to City for further consideration on this narrow issue

LUBA Remand Order

Remand Issue

- Focus on Ice Age Tonquin Trail and Tonquin Trail Master Plan
- LUBA found the Trail, as a whole, constitutes a “park” per Metro Code 3.07.420(D) and Tualatin Development Code 64.040(8)
- Metro Code 3.07.420(D) requires cities and counties to review and revise land use regulations to prohibit “parks intended to serve people other than those working or residing in the RSIA”
- TDC 64.040(8) prohibits “parks and recreation facilities” in the Tonquin Industrial Group (TIG) RSIA through the Tonquin Light Manufacturing Overlay
- City erred in locating the Trail alignment within the Tonquin Industrial Group Regionally Significant Industrial Area

Draft Ordinance 1367-14

City Response

- Prepare draft Ordinance 1367-14
 - Amend the TSP and TDC 11.650(3)(b) to remove all specific references to the Ice Age Tonquin Trail
- Council must find proposed amendments
 - Satisfy the LUBA Remand Order
 - Meet both MC 3.07.420(D) and TDC 64.040(8)

Questions / Discussion





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

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

DATE: 02/10/2014

SUBJECT: Consideration of a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)

ISSUE BEFORE THE COUNCIL:

The issue before the City Council is consideration of a conditional use permit to allow rental and leasing of autos and light trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500).

RECOMMENDATION:

Staff recommends that the City Council consider the staff report and supporting attachments and direct staff to prepare a resolution consistent with its decision.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- This matter is a Conditional Use Permit (CUP) request.
- The subject property is approximately 10.08 acres at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) located in the Light Manufacturing Planning District (ML).
- A Vicinity Map is included as Attachment 101A.
- The applicant is U-Haul International / AMERCO Real Estate Co., represented by David Pollock, Development Manager, and the subject property owner is U-Haul.
- "Rental and leasing of autos and light trucks with incidental sale of vehicles" is a conditional use within the ML Planning District pursuant to Tualatin Development Code (TDC) [60.040](#)(1)(p).
- The applicant proposes to re-use and convert the developed industrial site and existing

buildings, vacated by NW Natural [Gas], into a self-storage, warehouse, and truck/equipment rental facility for U-Haul.

- The proposed uses other than truck rental are permitted. Self-service storage, mini storage, or self storage is a permitted use within both the Light and General Manufacturing Planning Districts (ML and MG) through zoning interpretation INT-88-12 dated June 21, 1988. Because it's permitted by interpretation, the use isn't specifically listed among ML or MG permitted uses.
- The applicant conducted a neighborhood/developer meeting on November 20, 2013 to explain the proposal to neighboring property owners and to receive comments. Four attendees besides staff signed in for the meeting. An attendee asked about U-Haul operations in general and those intended for the site. Staff and the applicant had a pre-application meeting on July 18, 2013.
- The applicant submitted a narrative that describes the proposed conditional use and addresses the CUP approval criteria (Attachment 101B).
- Staff has reviewed the application materials and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 101C). An Engineering Division Memo addressing transportation and other public facilities associated with the proposed CUP is included (Attachment 101D).
- The Engineering Division Memo dated January 14, 2014 regarding the transportation analysis reviewed a report from the applicant's transportation consultant and concluded that the use will not increase trips or change traffic operations. Further information is available in the memo (Attachment 101D).
- The applicable Tualatin Community Plan policies and TDC regulations that apply to the proposed conditional use in the ML Planning District include TDC:
 - Chapter 7 "Manufacturing Planning Districts", Section 7.030 "Objectives";
 - Chapter 32 "Conditional Uses", Section 32.030 "Conditional Uses – Siting Criteria";
 - Chapter 38 "Signs";
 - Chapter 60 "Light Manufacturing Planning District (ML)", Sections 60.010 "Purpose" and 60.041 "Restrictions on Conditional Uses";
 - Chapter 63 "Environmental Regulations"; and
 - Chapter 73 "Community Design Standards", Sections 73.040(1), 73.050(4), 73.160(3)(c) and (4)(b), and 73.380(6).
- Clean Water Services (CWS) submitted written comment of no objection to the application (Attachment 101E). As of this writing, no other notified agency, property owner, or member of the public has commented on the application.
- Oregon Revised Statutes (ORS) [227.178\(2\)](#) requires that the City Council take final action on a land use application, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The Council hearing date of February 10, 2014 is the 56th day following completeness, and the 120th day is April 15, 2014.
- 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 101C) examines the application with respect to the criteria for granting a CUP. Conditions of approval are necessary to have the application meet the CUP criteria, satisfy objectives and policies of the TDC, and not impair either the use of surrounding properties or the character of the

surrounding area. Condition 8 regarding site planning acknowledges the submitted preliminary site plan and the site planning work it indicates the applicant intends to do and requires that the applicant submit for Architectural Review (AR). Several of the other conditions require that through AR the applicant address landscaping, lighting, screening of outdoor storage, and tree preservation.

- Based on the application, the proposed conditions of approval, and the Analysis and Findings (Attachment 101C), U-Haul (CUP-13-05), a proposal for rental and leasing of autos and light trucks with incidental sale of vehicles, meets the criteria of TDC [32.030](#).
 - The conditions of approval, which would run with the property, not a tenant or owner, are listed below. (“TDC” refers to the Tualatin Development Code.)
1. Application: The applicant shall operate the use consistent with all application materials submitted to the City on November 27, 2013 and revised December 12, 2013 unless otherwise directed by another condition of approval.
 2. Environmental Regulations: The applicant shall comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC [63](#).
 3. Landscaping: The applicant shall comply with TDC [73.240](#)(9) by planting trees, shrubs, lawn and live groundcover in yards adjacent to I-5 and SW McEwan Road. Additionally, the applicant shall comply with TDC [73.340](#)(2) by providing site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC [73.340](#)(2)(a)(i-iv). As part of [Architectural Review \(AR\)](#), the applicant shall submit a landscape plan showing compliance with this condition.
 4. Lighting: The applicant shall eliminate glare and light trespass pursuant to TDC [73.160](#)(3)(c) and TDC [73.380](#)(6) by referring to the [Guidelines for Good Exterior Lighting Plans](#) (2009) prepared by the Dark Sky Society, especially regarding fixture type and placement. As part of AR, the applicant shall submit a lighting plan and related information showing compliance with this condition.
 5. Outdoor Storage Screening: The applicant shall screen outdoor storage pursuant to TDC [73.160](#)(4)(b) with dense evergreen landscaping pursuant to [73.260](#)(1)(b) and (c). The applicant shall also screen the west/northwest boundary of the subject property along I-5 with dense evergreen landscaping pursuant to TDC [73.260](#)(1)(b) and (c). Any shrubbery proposed for such screening shall be at least 5 feet (ft) high at time of planting. As part of AR, the applicant shall submit site and landscape plans showing compliance with this condition.
 6. Restrictions on Conditional Uses: The applicant shall comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC [60.041](#) and indicate compliance on a site plan submitted for AR.
 7. Signage: The applicant shall separately from this CUP submit a [sign permit](#) application for each proposed [sign](#) or sign face change pursuant to and in compliance with [TDC 38](#). Within 10 days of the City Council adoption of Resolution 5177-14 for Conditional Use Permit 13-05, the applicant shall retroactively apply for permits for existing temporary banner signs to comply with TDC [38.110](#)(5) .
 8. Site Planning: Approval of Conditional Use Permit 13-05 does not approve any site redevelopment, and the applicant shall submit for [Architectural Review \(AR\)](#) prior to any site redevelopment, including landscaping, tree removal, parking lot improvements,

exterior painting, and exterior major remodeling, pursuant to TDC [73.040](#)(1). No later than prior to issuance of either a temporary certificate of occupancy (TCO) or certificate of occupancy (CO), the applicant shall submit for AR to address ongoing site work including exterior painting and renovations to a shed on the southerly end of the west/northwest property line. The applicant shall carry out construction, site redevelopment and landscaping in substantial accord with the approved AR plan or application pursuant to TDC [73.040](#)(3).

9. Tree Preservation:

- a. TDC 73.050(4), an AR standard, refers to a tree removal criterion in TDC [34.230](#)(1)(c) that relates to tree removal by site development. The AR applicant shall provide burden of proof to be able to invoke the tree removal criterion of (c).
- b. Approval of Conditional Use Permit 13-05 does not approve any of the tree removal implied by the preliminary site plan. The applicant shall either preserve a portion of the island that contains the largest three trees or provide documentation justifying why fewer or no trees could be preserved while accomplishing the applicant's RV circulation and storage objectives and explaining such objectives. As part of AR, the applicant shall submit documentation including landscape and tree preservation plans showing compliance with this condition.
- c. Though the preliminary site plan does not specify tree removal from elsewhere on the subject property, for any additional tree removal the applicant shall obtain approval through AR or one of the additional application types listed in TDC [34.200](#)(1)(a).

10. Approval Period: The approval period shall be pursuant to TDC [32.090](#) Automatic Termination of Conditional Use as reproduced:

(1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:

(a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.

(b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year. [Ord. 743-88, 3/28/88; Ord. 1333-11 §2, 9/12/11]

11. 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 rental and leasing of autos and light trucks with incidental sale of vehicles as conditioned.
2. The Council directs staff to bring Resolution Number 5177-14 approving the conditional use permit.

Denial of the CUP request will result in the following:

- Prohibits the applicant from having on the subject property the use of rental and leasing of autos and light trucks with incidental sale of vehicles.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

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

FINANCIAL IMPLICATIONS:

The Fiscal Year 2013/14 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: [Attachment 101A - Vicinity Map](#)
 [Attachment 101B - Application Materials](#)
 [Attachment 101C - Analysis and Findings](#)
 [Attachment 101D - Engineering Division Memo](#)
 [Attachment 101E - Agency Comment CWS](#)
 [Attachment 101F - Slide Presentation](#)

CUP 13-05: U-Haul

7100 SW McEwan Rd



**CONDITIONAL USE
PERMIT**

To

City of Tualatin

For

U-Haul International/
AMERCO Real Estate Co.

Submitted

November 27, 2013

Project Number

2130364.00

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EXHIBITS

- A. Application for Conditional Use
- B. Site Aerial Map
- C. Site Survey
- D. Preliminary Site Plan
- E. Landscape As-Built Drawings
- F. Site Photos
- G. Traffic Study
- H. Legal Description
- I. Assessors Map
- J. Property Owner Names and Addresses: within 1,000'
- K. Neighborhood/Developer Meeting Materials
 - 1. Certification of Sign Posting
 - 2. Affidavit of Mailing
 - 3. Notice Letter
 - 4. Sign-In Sheet

I. PROJECT SUMMARY

Owner/Applicant: U-Haul International/AMERCO Real Estate Co.
Attention: David Pollock, Development Manager

2727 North Central Avenue
Phoenix, AZ 85004
(602) 263-6502

**Applicant's Representative/
Project Contact:**

Mackenzie
Ryan Schera, Land Use Planner
rschera@mcknze.com

1515 SE Water Avenue, Suite 100
Portland, OR 97214
(503) 224-9560

Plan District Designation: ML (Light Manufacturing)

Site Address: 7100 SW McEwan Road
Tualatin, Oregon

Site Size: 439,350 SF (10.1 acres)

Tax Map/Lots: 2S124AA05500
2S113DD01700
2S113DD01600
2S113DD01200
2S113DD01100
2S113DD01000
2S113DD00900

Pre-Application Meeting: Held on July 18, 2013

Neighborhood Notice: Mailed on November 3, 2013

Neighborhood Meeting: Held on November 20, 2013

Request: Conditional Use Permit approval to operate a truck and equipment rental use on-site in the ML zone. The rental use will be accessory to the primary self-service storage facility.

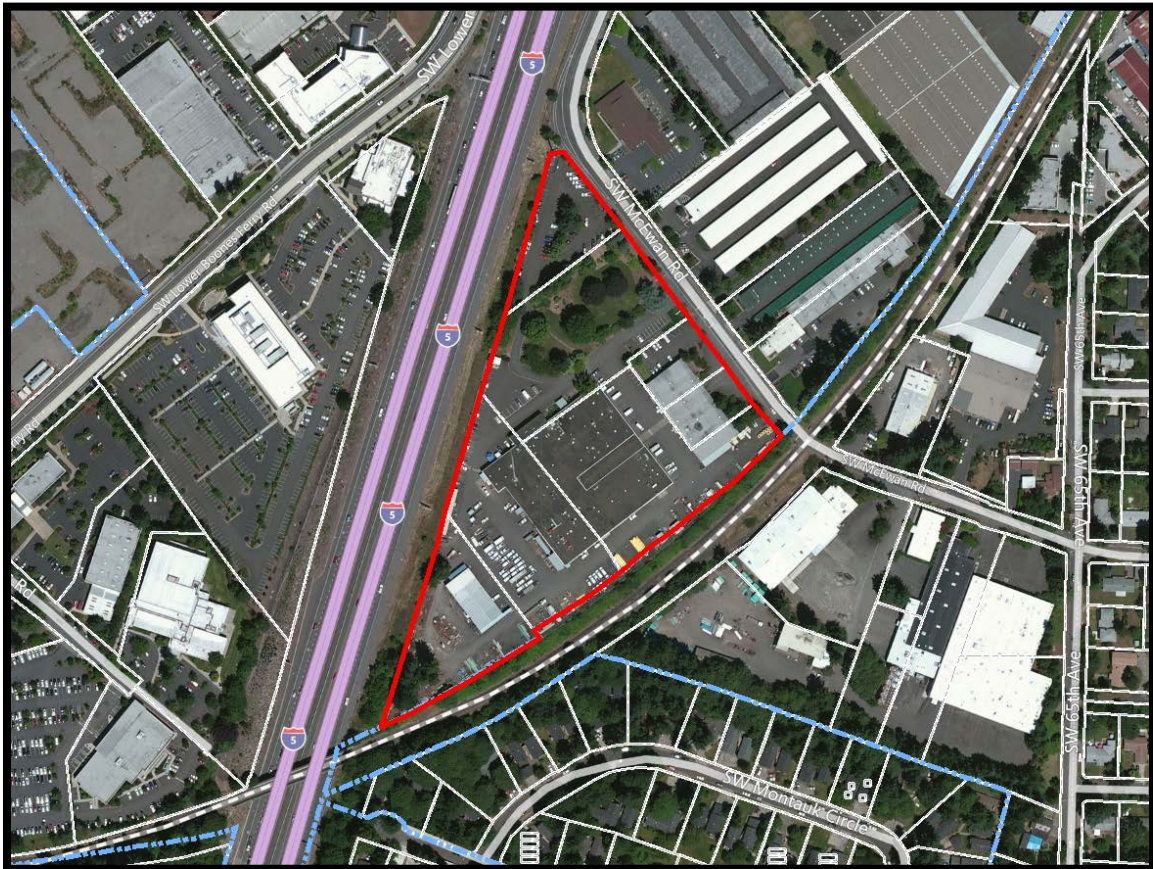
II. INTRODUCTION

SITE DESCRIPTION

The subject site is located at 7100 SW McEwan Road in Tualatin. The site is approximately 10.1 acres in size and consists of a private park area and three existing buildings with associated exterior storage and fleet parking. The site is zoned Light Manufacturing (ML) and has been owned and occupied by NW Natural Gas for training and maintenance operations since the 1960s.

Adjacent uses consist of a consulting firm, a medical office, two self-storage facilities (Public Storage and Oswego Storage), and a car service facility across SW McEwan Road. East of the site is the Southern Pacific Railroad line, separating it from the industrial and residential uses to the south and east. Just west of the site is the US Interstate 5 freeway. These areas are shown in the map below.

Figure II.1 Aerial Map



PROPOSAL

The owner/applicant is proposing to re-use and convert the site and existing buildings into a self-storage, warehouse, and truck/equipment rental facility for U-Haul. U-Haul moving and storage centers characteristically serve the do-it-yourself household customer. On a typical day at the U-Haul, the center will be staffed with a general manager and three to four customer service representatives. Families will generally arrive in their own automobiles, enter the customer service area, and may choose from a variety of products and services offered there. Most families use U-Haul self-storage facilities to store furniture, household goods, sporting equipment, holiday decorations, etc. More specifically, the proposed conversion will consist of:

- Building A: Approximately 20,252 SF of U-Box portable storage. The portable storage consists of U-Box pods/containers which offer both on-site and secure warehouse storage options for short and long term needs. Customers fill the portable pods/containers and store and/or ship them via U-Haul.
- Building B: Approximately 80,618 SF of self-storage, 3,240 SF of customer service area, and 2,640 SF of dispatch and receiving bays. The self-storage area will consist of approximately 850 indoor, climate-controlled self-storage units. Customers will typically rent U-Haul equipment or use their personal vehicle to approach the loading area and enter the building through the singular customer access. All new storage facilities are designed with interior storage room access, giving the customer the added value of increased security, and the community the benefit of a more aesthetically pleasing exterior. Storage customers will typically rent a room for a period of two months to one year. All U-Haul storage customers are issued a card-swipe style identification card which must be used to gain access to their room.
- Building C: Approximately 7,324 SF of shop area. The shop area will be used for very minor maintenance on the rental trucks/equipment (such as repairing broken taillights, etc.) and for installing trailer and towing supplies (such as trailer hitches, hitch balls and mounts, and wiring/lights). Routine/major maintenance of the rental trucks/equipment will be completed at the U-Haul Repair and Maintenance Center in Clackamas County.
- Building D: Approximately 4,433 SF of miscellaneous indoor storage.
- RV Storage Area: The area located in the northeast corner of the site will be utilized for long-term RV Storage.
- Alternate Fuel: An alternative-fuel (propane) dispensing station for vehicles and backyard grills will be located near the RV gate.
- Customer Parking, Truck/Equipment Staging, and Circulation Areas: The site is well situated and provides ample space for customer parking, truck/equipment staging, and vehicular/truck circulation. The customer parking areas will be located near the customer service center and self-storage building for customer convenience. Staging areas for rental trucks and equipment will be at two places: one near the customer service center for easy pick-up and drop-off, and another between Buildings B and C for truck and equipment processing.

As part of the U-Haul Center, the owner/applicant is proposing to provide accessory truck and equipment rental services in conjunction with the primary self-service storage operations. The trucks and equipment proposed to be available for rent are described below.

Rental Products: Trucks, vans, cargo trailers, utility trailers, and car trailers/auto-transporters will be available for rent. Approximately 40 trucks in six truck sizes will be available, ranging from 10 feet (3.0 m) to 26 feet (7.9 m), and multiple trailer sizes, in addition to a two-wheeled "Tow Dolly" and a four-wheeled "Auto Transport." U-Haul has two main classifications for equipment: "In-Town" and "One-Way." The "One-Way" equipment is mostly used for one-way trips, meaning pick-up and drop-off at different locations, whereas the "In-Town" equipment is meant to be picked up and dropped off at the same location, and the equipment is meant to be used for a local move.

Rental Process: Families will generally arrive in their own automobiles, enter the customer service area, and rent trucks and/or equipment (trailers, dollies, etc.) for household moving, either in-town or across country. The trucks and equipment described above will be staged in two locations on-site: one near the customer service center, for easy pick-up and drop-off, and another located between Buildings B and C for processing. The rental trucks and equipment are never "parked" on-site because they are constantly being rented and used off-site. The only time the trucks or equipment are on-site is for drop-off and processing between rental trips.

Hours of Operation:

Monday – Friday	7:00 a.m. to 7:00 p.m.
Saturday	7:00 a.m. to 7:00 p.m.
Sunday	9:00 a.m. to 5:00 p.m.

REQUEST

A pre-application meeting for the proposed conversion of the former NW Natural Gas site to the proposed U-Haul Center was held for the project on July 18, 2013. In that meeting, City staff confirmed that the self-storage component of the site is an allowed use, but that the rental of trucks and equipment would be a conditional use and would require a Conditional Use Permit. Therefore, the applicant requests a Conditional Use Permit to allow the "Rental and leasing of autos and light trucks...(and equipment)" use as stated in *Section 60.040 Conditional Uses* (60.040 (1)(p)), as an accessory use to the primary allowed use of "Self-service storage."

III. APPROVAL CRITERIA/REQUIREMENTS

This application addresses the necessary approval criteria of the Tualatin Development Code relevant to conditional uses. As described in the following narrative, the proposal meets the five conditions of *Section 32.030 Criteria for Review of Conditional Uses*:

SECTION 32.030 CRITERIA FOR REVIEW OF CONDITIONAL USES.

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

Response: As described in the Tualatin Development Code for ML districts, in *Section 60.040 Conditional Uses*, “Rental and leasing of autos and light trucks with incidental sale of vehicles.” is a conditional use. This standard 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.

Response: Since the site was developed in the 1960s, the site has been used for customer service, tool and meter repairs, and fleet parking/maintenance for NW Natural Gas. The site is relatively large (447,314 SF/10.3 acres), triangular in shape, and is generally flat with a gradual slope (15 feet) from the northeast corner of the site to the southwest corner. Four buildings are currently located on the site and are proposed to be converted to storage and shop space for U-Haul as described above. In addition, the site consists of a large open area, large paved areas, which are currently occupied by approximately 206 parking spaces, wide drive aisles, and exterior storage areas.

Due to the sheer size of the site and the amount of paved area that exists, the site provides sufficient area for both the circulation and staging necessary for the proposed truck and equipment rental operations in conjunction with the self-service storage uses. As shown on the preliminary site plan (see Exhibit D), the staging areas for the rental trucks and equipment are proposed in two locations, one near the customer service center and another between Buildings B and C. The staging location near the customer service center allows customers a convenient location to pick up and drop off their rentals. This staging area is accessed via a single existing driveway separate from the existing main driveway. The staging area between Buildings B and C will be primarily for processing the trucks and equipment that come back in and getting them ready to go back out. U-Haul employees will drive returned trucks and equipment to the staging area between Buildings B and C for processing and drive them back to the staging area near the customer service center, ready for rental. The large site area allows for the trucks and equipment to be maneuvered between the staging areas as needed. The U-Haul modifications to the site will essentially convert more than 40 existing fleet parking spaces into staging area.

The site also benefits from having large existing buildings, as well as remarkably lush and mature landscaping both interior to the site and along the perimeter (as shown on Exhibit E, the as-built landscape plans). Locating the truck and equipment staging areas near the customer service area and between Buildings C and D not only provides sufficient circulation and staging, but also naturally buffers and screens the

proposed truck and equipment rental activities from the surrounding properties and I-5.

More specifically, the staging area near the customer service area is buffered and screened from the adjacent properties to the north, south, and west (I-5) by a combination of Building A and significant setbacks and mature landscaping between the staging area and the adjacent properties (as shown in Exhibit F, Site Photos). Similarly, the staging area between Buildings C and D is greatly buffered and screened from the adjacent properties, as well as I-5. The adjacent areas are screened and buffered by a combination of Buildings B, C, and D, as well as significant setbacks and mature landscaping between the staging area and the adjacent properties. In addition to the buffers and screening provided on-site, I-5 is significantly screened from the staging area by the existing depression the freeway is located in along with the berm with new plantings along the I-5 perimeter/frontage. The depression and berm varies between approximately 10 feet to 25 feet in height, making it almost impossible for drivers to look into the site. Due to the combination of the existing screens and buffers, the site and location of the staging areas is suitable for the use, and will actually decrease the visual impacts, because the rental trucks and equipment uses will be further back and within the interior of the site.

This standard 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.

Response: The proposal is to convert the existing NW Natural Gas operations center into a self-service storage facility in conjunction with rental trucks and equipment. The site has been used for NW Natural Gas operations, including customer service, tool and meter repairs, and building and fleet maintenance since the 1960s. The site is conveniently located near I-5 at the Lower Boones Ferry Road exit (290), making it an ideal and convenient location for customers in the area renting trucks and equipment for moving or transporting large items. Primary access to the site is from SW McEwan Road, an established collector road with Tri-Met transit service at several locations. As shown in the traffic study (see Exhibit G), the proposed self-service storage facility and truck and equipment rental use will actually generate fewer trips than the existing NW Natural Gas facility, and therefore will create less intensive uses of the street system. Therefore, the existing transportation system is adequate, and there will be no change in the traffic operation during peak hours.

In addition, as shown on the March 11, 2013, survey (see Exhibit C), the site is currently served by domestic and fire water and sanitary sewer. There is an existing 4" water line and 8" sewer line located along the property frontage in SW McEwan Road. Stormwater is currently disposed of via 13 active and registered drywells/UICs (underground injection control devices) located on the property. These public facilities are anticipated to be adequate and capable of handling the proposed uses.

This standard 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.

Response: The rental component of the proposed U-Haul self-storage will not affect the character of the surrounding area, and is closely related to the permitted uses of the ML district. For example, both storage and sales of autos and light trucks are allowed outright in the ML district, and the rental of U-Haul trucks does not vary widely in nature from these uses. Adjacent properties are used for specialty retail, warehousing, industrial uses, and self-storage. This standard is met.

(5) The proposal satisfies those objectives and policies of the Tualatin Community Plan that are applicable to the proposed use.¹

Section 7.040 Manufacturing Planning District Objectives.

(2) Light Manufacturing Planning District (ML).

(a) Suitable for warehousing, wholesaling and light manufacturing processes that are not hazardous and that do not create undue amounts of noise, dust, odor, vibration, or smoke. Also suitable, with appropriate restrictions, are the retail sale of products not allowed for sale in General Commercial areas..., and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Also suitable is the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Also suitable for the retail sale of home improvement materials and supplies provided it is not greater than 60,000 square feet of gross floor area per building or business.... Rail access and screened open storage allowed in these areas will conform to defined architectural, landscape and environmental design standards.

Response: The proposed truck and equipment rental use will be accessory to the primary self-service storage use. Trucks and equipment such as trailers, etc., are common and suitable in warehousing, wholesaling, and light manufacturing type operations. The proposed truck and equipment use is not anticipated to create greater additional noise, dust, odor, vibration, or smoke than is typical for trucks and trailers. NW Natural Gas currently operates and maintains a large fleet of trucks and equipment on the site in addition to performing heavy duty maintenance work. The trucks and light equipment offered for rent by U-Haul are anticipated to have considerably less of an impact than that of the NW Natural Gas operations. As stated above, the shop area (Building C) will be used for very minor maintenance on the rental trucks/equipment (such as repairing broken taillights, etc.) and for installing trailer and towing supplies (such as trailer hitches, hitch balls and mounts and wiring/lights). Routine/major maintenance of the rental trucks/equipment will be completed at the U-Haul Repair and Maintenance Center in Clackamas County, not on-site.

¹ According to October 31, 2013, email with City of Tualatin planner Colin Cortes, code sections 7.040(2) and 60.010 are addressed.

This standard is met.

(b) The following uses within the Light Manufacturing District shall comply with the following size limits established by Metro. Retail sale, retail service and professional service uses shall be no greater than 5,000 square feet of sales or service area per outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project...

Response: As shown in the attached plans, no retail space is proposed. This standard does not apply.

(c) The purpose of this district is to provide sites for manufacturing uses that are more compatible with adjacent commercial and residential uses and would serve to buffer heavy manufacturing uses. The purpose is also to allow the retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet. Certain heavier manufacturing uses may be allowed as conditional uses.

Response: No heavy manufacturing or retail is proposed. The proposed use could serve as a buffer from any heavy manufacturing uses.

(d) In accordance with the Industrial Business Park Overlay District, TDC Chapter 69, selected office and retail uses are allowed to provide services to businesses and employees. The purpose is also to allow certain commercial service uses in the Commercial Services Overlay shown in the specific areas illustrated on Map 9-5 and selected commercial uses subject to distance restrictions from residential areas and subject to the Special Commercial Setback from arterial streets as generally illustrated in Map 9-5 and specifically set forth in TDC 60.035.

Response: The subject site is not located in the Industrial Business Park Overlay District, the Commercial Services Overlay, or the Special Commercial Setback. This standard does not apply.

Section 60.010 Purpose.

The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. The district serves to buffer heavy manufacturing uses from commercial and residential areas. The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke. The district is also suitable for retail sale of products manufactured, assembled, packaged or wholesaled on the site provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet and, with appropriate restrictions, for retail sale of products not allowed for sale in General Commercial Planning Districts, and office commercial uses where any portion of a legally created lot is within 60 feet of a CO Planning District boundary. Railroad access and screened outdoor storage will be allowed in this district, conforming to defined architectural, landscape, and environmental design standards.

Response: The proposed truck and equipment rental use will be accessory to the primary self-service storage use. Trucks and equipment such as trailers, etc., are common and suitable in warehousing, wholesaling, and light manufacturing type operations. The proposed truck and equipment use is not anticipated to create additional noise, dust, odor vibration or smoke than is typical for trucks and trailers. NW Natural Gas currently operates and maintains a large fleet of trucks and equipment on the site in addition to performing heavy duty maintenance work. The trucks and light equipment offered for rent by U-Haul are anticipated to have considerably less of an impact than that of the NW Natural Gas operations. As stated above, the shop area (Building C) will be used for very minor maintenance on the rental trucks/equipment (such as repairing broken taillights, etc.) and for installing trailer and towing supplies (such as trailer hitches, hitch balls and mounts and wiring/lights). Routine/major maintenance of the rental trucks/equipment will be completed at the U-Haul Repair and Maintenance Center in Clackamas County, not on-site.

This standard is met.

IV. CONCLUSION

Approval of a Conditional Use Permit to allow the “Rental and leasing of autos and light trucks...(and equipment)” (60.040 (1)(p)) at the site at 7100 SW McEwan Road will allow a complementary use to the allowed self-storage in the ML district. Based upon the information presented and discussed in this narrative and the attached supporting plans and documents, a Conditional Use Permit for the project, as stated in *Section 60.040 Conditional Uses*, merits approval.



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. _____
Fee Rec'd. _____
Receipt No. _____
Date Rec'd. _____
By _____

PLEASE PRINT IN INK OR TYPE

Code Section 60.040 (1)(p) Conditional Use to allow "Rental and leasing of autos and light trucks and equipment"

Planning District ML
Owner's Name Attn: David Pollack, Development Manager
U-Haul International/AMERCO Real Estate Co. Phone 602-263-6502

Owner's Address 2727 North Central Avenue Phoenix, AZ 85004
(street) (city) (state) (ZIP)

Owner recognition of application: David Pollack
[Signature]
signature of owner(s)

Applicant's Name Ryan Schera, Land Use Planner - Mackenzie Phone 503-224-9560

Applicant's Address 1515 SE Water Avenue, Suite 100 Portland, OR 97214
(street) (city) (state) (ZIP)

Applicant is: Owner ☐ Contract Purchaser ☐ Developer ☐ Agent ☒ X
Other ☐

Contact person's name Ryan Schera, Land Use Planner - Mackenzie Phone 503-224-9560

Contact person's address 1515 SE Water Avenue, Suite 100 Portland, OR 97214
(street) (city) (state) (ZIP)

Assessor's Map Number 2S124AA and 2S113DD Tax Lot Number(s) 05500 and 00900, 01000, 01100, 01200

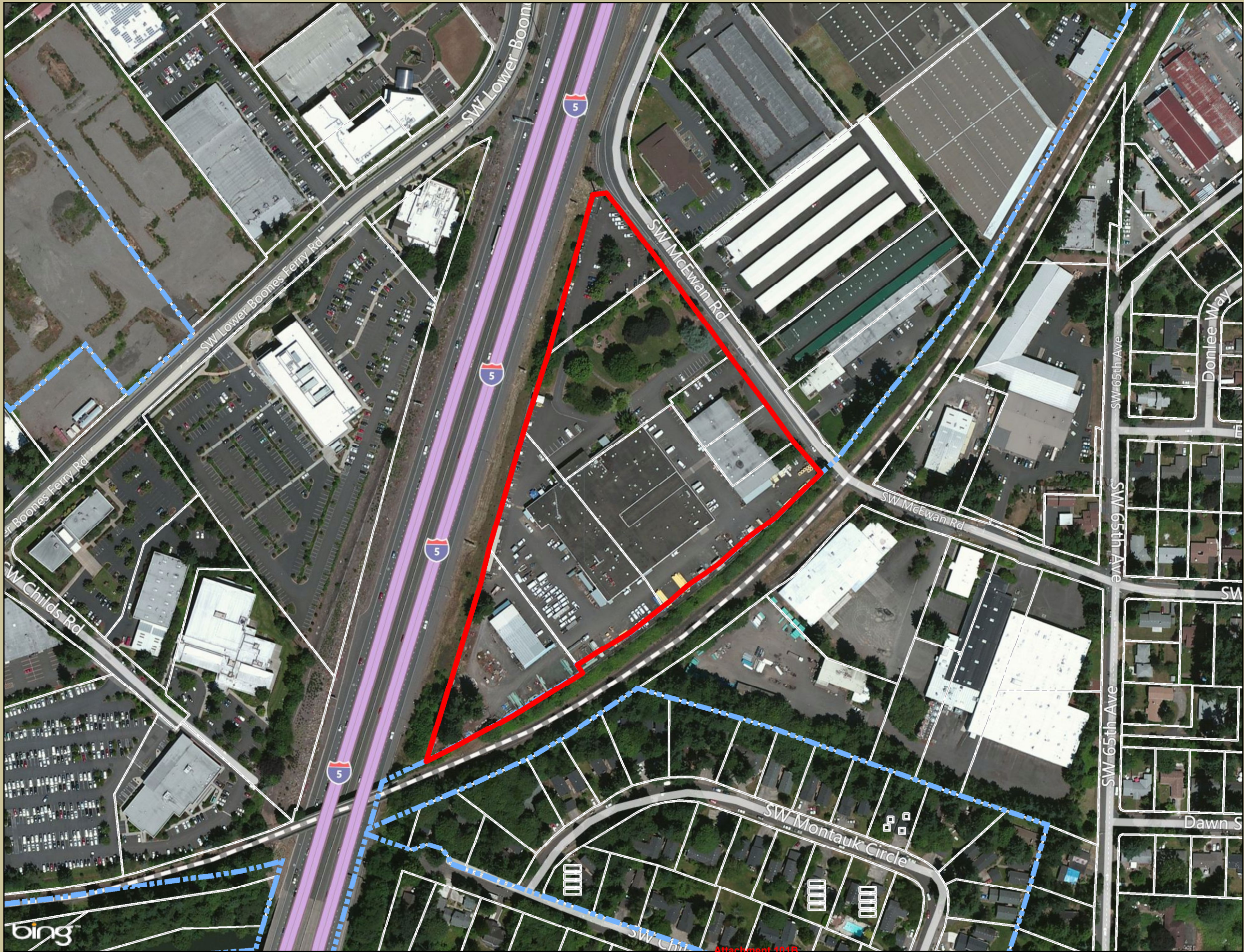
Address of Property 7100 SW McEwan Road Lot Area 10.1 acres
01600, 01700

Existing Buildings (Number and Type) Four Buildings - Primarily Storage and Shop Space

Current Use NW Natural Gas operations center. Customer service, tool and meter repairs and fleet parking/maintenance.

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 Ryan Schera Date 11/27/13 Phone 503-224-9560
Address 1515 SE Water Avenue, Suite 100 Portland, OR 97214
(street) (city) (state) (ZIP)



INTERNATIONAL
AMERCO
REAL ESTATE COMPANY

Tualatin, Oregon

Legend

- Site
- Tax Lots
- Tualatin City Boundary



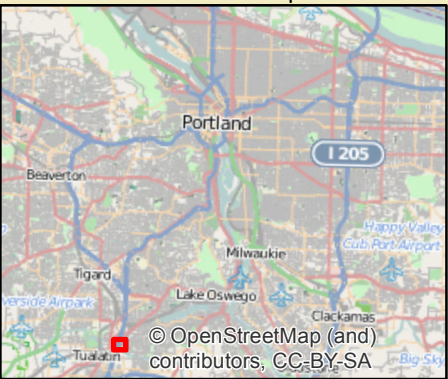
SCALE 1 inch = 200 feet

Source Data
Metro RLIS Lite Base Data, November 2013

Geographic Projection Information
NAD 83 HARN, Oregon North
Lambert Conformal Conic



Location Map



MACKENZIE.

P 503.224.9560 • F 503.228.1285 • W MCKNZE.COM
RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon • Vancouver, Washington • Seattle, Washington

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Date: 10/31/13
File: U-HaulTualatin.mxd

Map Created by: SHS
Project No: 2130364.00

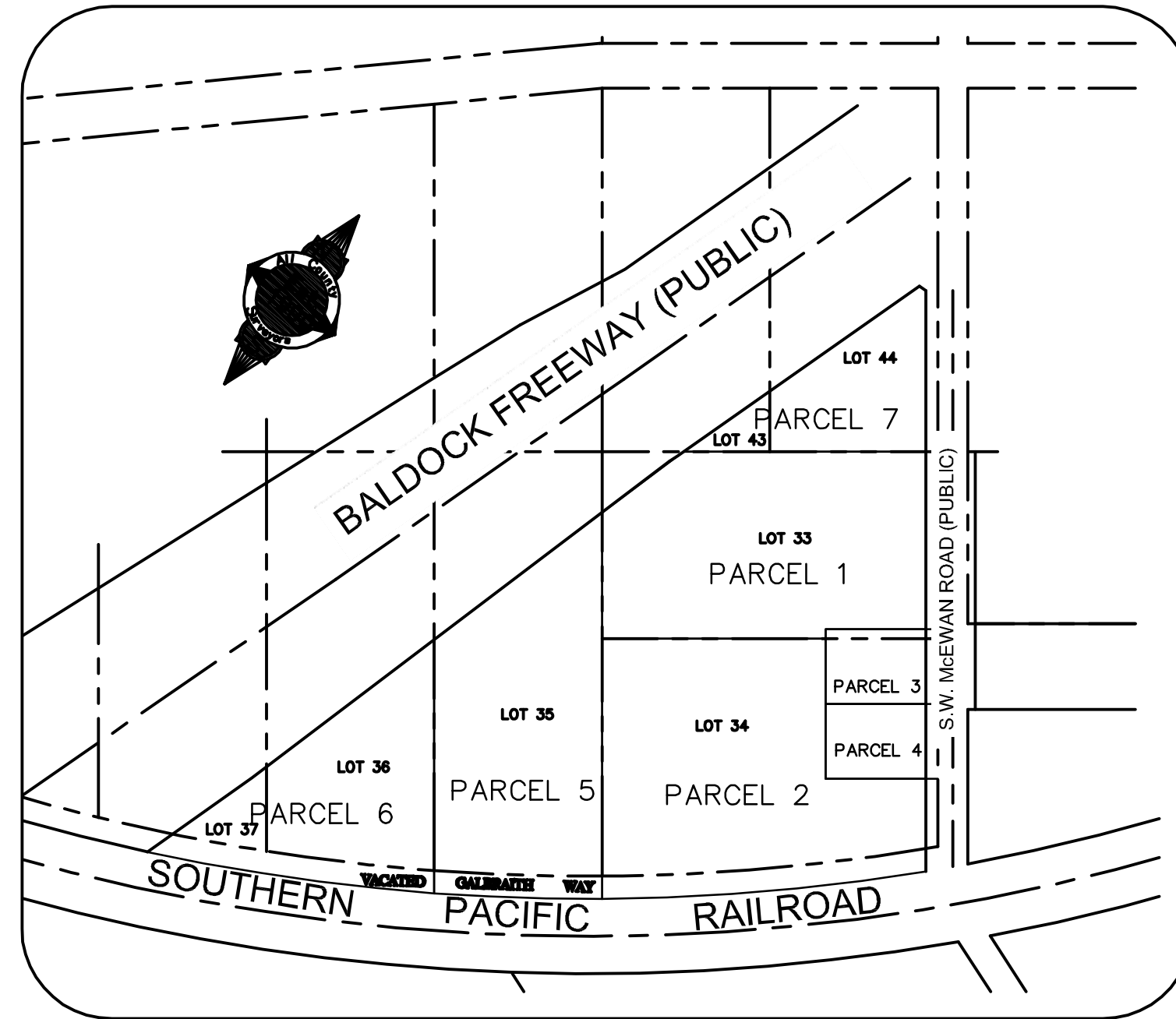
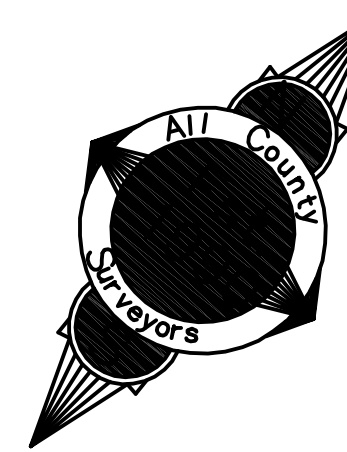


Commercial Real Estate
Due Diligence Management
3465 South Arlington Rd. Suite E#183
Akron, OH 44312
866.290.8121
www.amnational.net

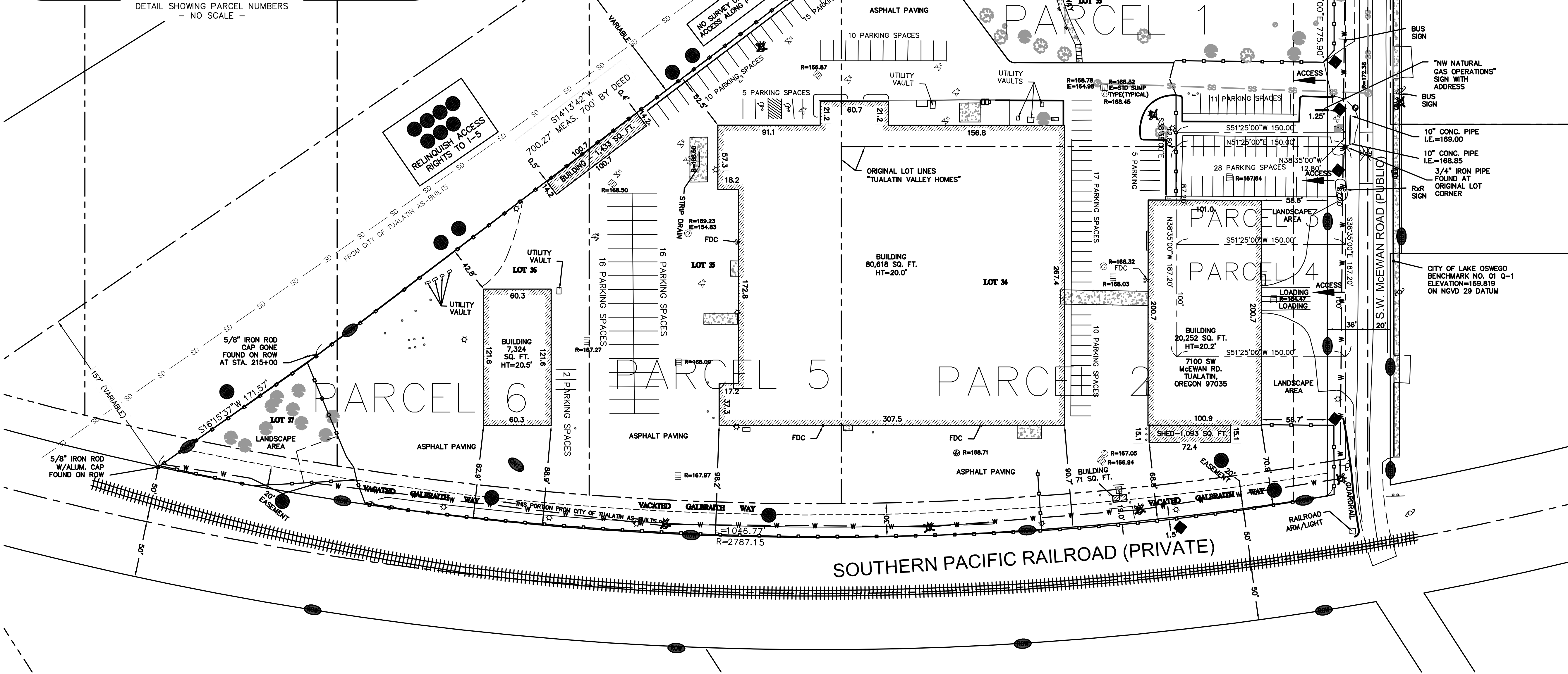
ALTA/ACSM LAND TITLE SURVEY

7100 SW McEWAN STREET LAKE OSWEGO, OREGON 97035

SCALE : 1" = 50'



DETAIL SHOWING PARCEL NUMBERS
- NO SCALE -



Legend of Symbols and Abbreviations

	PROPERTY LINE		SPRINKLER SPIGOT
	LOT LINE		MISC. MANHOLE
	EASEMENT		STORM MANHOLE
	BUILDING WALL		CATCH BASIN
	PAVEMENT		SANITARY SEWER MANHOLE
	CL OF RIGHT-OF-WAY		TELEPHONE/CATV MANHOLE
	CONCRETE		WATER METER
	CURB		POWER METER/RISER
	FENCE		TELEPHONE VAULT OR RISER
	SANITARY LINE		CABLE TV RISER
	OVERHEAD WIRE		UTILITY POLE
	1' GROUND CONTOUR		UTILITY POLE W/ LIGHT
	10' GROUND CONTOUR		UTILITY POLE W/ GUY WIRE
	WATER LINE		FOUND MONUMENT
	NORTH		WATER VALVE
	SOUTH		FIRE HYDRANT
	EAST		GAS VALVE
	WEST		LIGHT POLE
	DEGREES		SIGN
	FEET OR MINUTES		MAILBOX
	INCHES OR SECONDS		BOLLARD STYLE LIGHT
	SQUARE FEET		BOLLARD
	RIGHT OF WAY		EVERGREEN TREE
	PARKING SPACES		DECIDUOUS TREE
	HANDI CAP PARKING SPACE		
	TRUCK LOADING		
	VARIES		
	SURVEY NUMBER, WASHINGTON CO.		
	SANITARY/STORM RIM ELEVATION		
	FIRE DEPARTMENT CONNECTION		

All County
Surveyors & Planners, Inc.
Surveying, Planning and
Civil Engineering
P.O. Box 955 Sandy, OR 97055
Phone: (503) 668-3151
Fax: (503) 668-4730
13-028-ALTA.DWG DATE OF PLOT: 3-11-2013



FOR:
MCEWAN ROAD, OREGON
PROJECT # 20130101 – SITE # 001
7100 SW MCEWAN ROAD, TUALATIN, OR 97035
SURVEYOR'S CERTIFICATION

TO: FIDELITY NATIONAL TITLE INSURANCE COMPANY; AMERCO REAL ESTATE COMPANY, A NEVADA CORPORATION;
U-HAUL COMPANY OF PORTLAND; AND AMERICAN NATIONAL, LLC, THIS IS TO CERTIFY THAT THIS MAP OR PLAT
AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD
DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND
NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(B), 7(A), 7(B), 7(C), 8, 9, 11(B), 13, 14, 16, 17, AND 18 OF
TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MARCH 5, 2013.

DALE L. HULT, PLS
REGISTRATION NO. 2427, IN THE STATE OF OREGON
DATE OF PLAT OR MAP: MARCH 5, 2013
DATE OF LAST REVISION: MARCH 11, 2013 4:00 PM(DB)
DATE OF THIS PRINTING: MARCH 11, 2013
NETWORK REFERENCE #20130101-1
SURVEY PERFORMED BY: ALL COUNTY SURVEYORS & PLANNERS, INC
30660 PLEASANT STREET, SANDY, OR 97055
PHONE: 503-668-3151, EMAIL: DALEH@ALLCOUNTYSURVEYORS.COM

OREGON
JANUARY 23, 1990
DALE L. HULT
2427

PARCEL 1 - LOT 33, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON BY DEED RECORDED JANUARY 19, 1989, RECORDING NO. 04-027166, BEARING S 17° 00' E DISTANCE 12.80 FEET FROM THE MOST EASTLY POINT ON AN IRON PIPE, THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED JANUARY 19, 1989, RECORDING NO. 04-027166, BEARING S 17° 00' E DISTANCE 12.80 FEET FROM THE MOST EASTLY BEGINNING AT AN IRON PIPE, WHICH BEARS NORTH 35° 35' WEST 12.80 FEET FROM THE MOST EASTLY SOUTHEAST CORNER OF LOT 33, TUALATIN VALLEY HOMES, SAID IRON PIPE ALSO BEING IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 36N, RANGE 12E, MERIDIAN 12W, WITH THE SOUTHERLY LINE OF SAID LOT 33, A DISTANCE OF 150.00 FEET TO AN IRON PIPE; THENCE SOUTH 35° 35' EAST 12.80 FEET TO A POINT ON SAID SOUTHERLY LINE; THENCE NORTH 01° 25' EAST ALONG SAID SOUTHERLY LINE 150.00 FEET TO THE MOST EASTLY SOUTHEAST CORNER OF LOT 33 AND LOT 34 AND POINT OF BEGINNING IN RIGHT OF WAY, BEARING S 17° 00' E DISTANCE 12.80 FEET ALONG RIGHT OF WAY TO AN IRON PIPE AND THE POINT OF BEGINNING. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 04-027176.

PARCEL 2 OF LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. TOGETHER WITH THAT PORTION OF VACATED SW GILBREATH WAY WHICH INURED THERETO BY DEED DATED 12/15/84, RECORDED IN THE CLERK OF SUPERIOR COURT OF WASHINGTON COUNTY, PAGE 466. EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 34; THENCE FROM SAID POINT OF BEGINNING, SOUTHEASTERLY ALONG THE WEST LINE OF MCWAN ROAD, ALSO KNOWN AS HAZEL FERN ROAD, 187.2 FEET; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF SAID MCWAN ROAD, 134.4 FEET; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF THE NORTHEASTERLY LINE OF LOT 34, 187.2 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY 150 FEET ON THE DIVISION LINE BETWEEN LOTS 33 AND 34 TO THE PLACE OF BEGINNING; ALSO EXCEPTING THEREFROM THAT PORTION OF SAID MCWAN ROAD, 134.4 FEET, WHICH IS OWNED BY THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 1, 1994, RECORDING NO. 94-021.176.

PARCEL 3: A) A PORTION OF LOT 33, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE WHICH BEARS NORTH 38° 35' 25" EAST 12.80 FEET FROM THE MOST EASTERLY SOUTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES, THENCE SOUTHERLY ALONG THE SOUTHEASTERN RIGHT-OF-WAY OF LAZEL ROAD, 150.00 FEET; THENCE SOUTH 51° 25' WEST, PARALLEL WITH THE SOUTHEASTERN LINE OF SAID LOT 34, A DISTANCE OF 150.00 FEET TO AN IRON PIPE; THENCE SOUTH 38° 35' EAST 12.80 FEET TO A POINT ON SAID SOUTHEASTERN LINE; THENCE NORTH 0° 25' EAST ALONG SAID SOUTHEASTERN LINE 150.00 FEET TO THE MOST EASTERLY SOUTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES, 94.00 FEET; THENCE N 38° 35' E 12.80 FEET TO AN IRON PIPE; THENCE NORTH 38° 35' 25" EAST 12.80 FEET ALONG SAID RIGHT OF WAY TO AN IRON PIPE AND THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION OF RECORD 34, 1994, RECORDING NO. 34-021176, BEING THE SOUTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES; RUNNING THENCE FROM SAID POINT OF BEGINNING, SOUTH AND EAST ALONG THE WEST LINE OF LAZEL FARM ROAD 67.20 FEET; THENCE SOUTHWESTERLY ALONG THE WEST LINE OF SAID LAZEL FARM ROAD 150.00 FEET TO AN IRON PIPE; THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERN LINE OF LOT 34, 67.20 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY ON DIVISION LINE BETWEEN LOTS 33 AND 34, TO THE PLACE OF BEGINNING. B) THE PORTION OF THE TRACT THEREIN REFERRED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDING MARCH 4, 1994, RECORDING NO. 34-021176.

PARCEL 4; A PORTION OF LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF MCWAIN ROAD, A DISTANCE OF 150 FEET TO A POINT; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF THE MCWAIN ROAD 100 FEET TO A POINT; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF LOT 34, A DISTANCE OF 150 FEET TO A POINT; THENCE NORTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF LOT 34, 100 FEET TO A POINT; THENCE SOUTHWESTERLY PARALLEL TO THE WESTERLY LINE OF LOT 34, A DISTANCE OF 13 AND 1/2 FEET TO A POINT; THENCE SOUTHWESTERLY PARALLEL TO THE WESTERLY LINE OF LOT 34, A DISTANCE OF 150 FEET BY THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEED OF RECORD DATED MARCH 4, 1994, RECORDING NO. 94-021176.

PARCEL 5: LOT 35, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, TOGETHER WITH THAT PORTION OF VACATED SW GAILBREATH WAY WHICH INURED THERETO BY REASON OF WASHINGTON COUNTY ORDINANCE NO. 85-11, RECORDED JULY 22, 1965, IN BOOK 561, PAGE 466. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED DECEMBER 19, 1940 IN BOOK 194, PAGE 690. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 13, 1973, IN BOOK 919, PAGE 45, DEED RECORDS.

























PARCEL 6: THAT PART OF LOTS 36 AND 37, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, LYING SOUTHEASTERLY OF THE WEST PORTLAND-HUBBARD HIGHWAY. TOGETHER WITH THAT PORTION OF VACATED SW GAILBREATH WAY WHICH INURED THERETO BY REASON OF WASHINGTON COUNTY ORDINANCE NO. 65-11, RECORDED JULY 22, 1985, IN BOOK 561, PAGE 466. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 13, 1973, IN BOOK 919, PAGE 45, DEED RECORDS.

PARCEL 7: A PARCEL OF LAND LYING IN LOTS 43 AND 44, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, LYING SOUTHEASTERLY OF A LINE PARALLEL WITH AND 125 FEET SOUTHEASTERLY OF THE CENTER LINE OF THE PACIFIC HIGHWAY (FORMERLY THE WEST PORTLAND-HUBBARD HIGHWAY) WHICH CENTER LINE IS REFERRED TO IN THAT DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, RECORDED IN BOOK 184, PAGE 446, OF THE PUBLIC RECORDS OF THE COUNTY OF WASHINGTON, STATE OF OREGON, BEING THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION IN DEED RECORDED FEBRUARY 15, 1973, IN BOOK 909, PAGE 745, OF WASHINGTON COUNTY BOOK OF RECORDS. ALSO EXCEPTING THEREFROM DEDICATED TO THE CITY OF TUALATIN, BY DEED RECORDED MARCH 4, 1994, AS RECORDING NO. 94-02176.

THE ABOVE DESCRIBED PARCEL IS THE SAME PARCEL AS DESCRIBED IN FIDELITY NATIONAL TITLE COMPANY OF OREGON, COMMITMENT NO. 20130068528-FTPOR01, BEARING AN EFFECTIVE DATE OF FEBRUARY 8, 2013, AT 8:00 AM.

	PROPERTY LINE		SPRINKLER SPIGOT
	LOT LINE		MISC. MANHOLE
	EASEMENT		STORM MANHOLE
	BUILDING WALL		CATCH BASIN
	PAVEMENT		SANITARY SEWER MANHOLE
	CL OF RIGHT-OF-WAY		TELEPHONE/CATV MANHOLE
	CONCRETE		WATER METER
	CURB		POWER METER/RISER
	FENCE		TELEPHONE VAULT OR RISER
	SANITARY LINE		CABLE TV RISER
	OVERHEAD WIRE		UTILITY POLE
	1' GROUND CONTOUR		UTILITY POLE W/ LIGHT
	10' GROUND CONTOUR		UTILITY POLE W/ GUY WIRE
	WATER LINE		SOLID MANHOLE

N	NORTH
S	SOUTH
E	EAST
W	WEST
.	DEGREES
"	FEET OR MINUTES
	INCHES OR SECONDS
SF	SQUARE FEET
ROW	RIGHT OF WAY
SP	PARKING SPACES
HC	HANDI CAP PARKING SPACE
TRL	TRUCK LOADING
VRS	VARIES
SN.	SURVEY NUMBER, WASHINGTON CO.
R=	SANITARY/STORM RIM ELEVATION
FDC	FIRE DEPARTMENT CONNECTION

-  SPRINKLER SPIGOT
-  MISC. MANHOLE
-  STORM MANHOLE
-  CATCH BASIN
-  SANITARY SEWER MANHOLE
-  TELEPHONE/CATV MANHOLE
-  WATER METER
-  POWER METER/RISER
-  TELEPHONE VAULT OR RISER
-  CABLE TV RISER
-  UTILITY POLE
-  UTILITY POLE W/ LIGHT
-  UTILITY POLE W/ GUY WIRE
-  FOUND MONUMENT
-  WATER VALVE
-  FIRE HYDRANT
-  GAS VALVE
-  LIGHT POLE
-  SIGN
-  MAILBOX
-  BOLLARD STYLE LIGHT
-  BOLLARD
-  EVERGREEN TREE
-  DECIDUOUS TREE

TUALATIN, OR

NOT TO SCALE

NORTH

6. RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED: GRANTOR: MILDRED CHAPIN O'NEIL, FORMERLY MILDRED CHAPIN GRANTEE: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION RECORDING DATE: DECEMBER 29, 1948, RECORDING NO.: BOOK 196, PAGE 309
AFFECTS: PARCEL 1 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

9. RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED: GRANTOR: JOHN SHECKLA AND ANNA SHECKLA, HUSBAND AND WIFE, AND EUGENE S. HOOT AND BEAN L. GREENHOOT, HUSBAND AND WIFE GRANTEE: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION RECORDING DATE: DECEMBER 29, 1948, RECORDING NO.: BOOK 291, PAGE 681
AFFECTS: PARCEL 6 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

10. RELINQUISHMENT OF ACCESS AS RESERVED IN DOCUMENT: RESERVED BY: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION AS FOLLOWS: "RESERVING HOWEVER, TO GRANTOR, STATE OF OREGON ITS SUCCESSOR AND ASSIGNS, ALL EASEMENT OF ACCESS AND ALL RIGHT OF EGRESS AND EGRESS AND THE RELOCATED WEST PORTLAND-HUBBARD HIGHWAY" RECORDING DATE: MARCH 8, 1951 RECORDING NO.: BOOK 318, PAGE 162
AFFECTS: LOT 37 OF PARCEL 6 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

11. RELINQUISHMENT OF ACCESS AS CONTAINED IN DOCUMENT: GRANTOR: EUGEN B. LICHTENWALTER AND RUBY R. LICHTENWALTER, HUSBAND AND WIFE GRANTEE: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, RECORDING DATE: FEBRUARY 5, 1952, RECORDING NO.: BOOK 329, PAGE 87
AFFECTS: PARCEL 5 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

12. WATER SUPPLY AGREEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, RECORDING DATE: JANUARY 8, 1960, RECORDING NO.: BOOK 426, PAGE 152.
AFFECTS: PARCELS 1 & 3, REFERENCE MADE SAID DOCUMENT - FULL PARTICULARS
- AFFECTS PROPERTY, NOT PLOTTED, NO DEFINED LOCATION.

13. ANY EASEMENTS OR RIGHTS OF WAY FOR EXISTING UTILITIES OR OTHER RIGHTS OF WAY OVER THOSE PORTIONS OF SAID LAND LYING WITHIN THE PUBLIC RIGHT OF WAY VACATED BY RESOLUTION OR ORDINANCE RECORDING DATE: APRIL 13, 1973, RECORDING NO.: BOOK 561, PAGE 468
AFFECTS: VACATED PORTION OF SW GALBREATH WAY - AFFECTS PROPERTY, PLOTTED

14. RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED: GRANTOR: ARMOND G. HORTON AND MELVA K. HORTON, HUSBAND AND WIFE GRANTEE: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION RECORDING DATE: FEBRUARY 15, 1973, RECORDING NO.: BOOK 909, PAGE 745.
AFFECTS: PARCEL 7 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

15. RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED: GRANTOR: NORTHWEST NATURAL GAS COMPANY, AN OREGON CORPORATION GRANTEE: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION RECORDING DATE: APRIL 13, 1973, RECORDING NO.: BOOK 919, PAGE 45
AFFECTS: PARCELS 1, 5 & 6 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

16. RELINQUISHMENT OF ACCESS AS CONTAINED IN DEED: GRANTOR: STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION GRANTEE: NORTHWEST NATURAL GAS COMPANY, AN OREGON CORPORATION RECORDING DATE: APRIL 24, 1973, RECORDING NO.: BOOK 920, PAGE 985
AFFECTS: PARCEL 7 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE.

17. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION OR SEXUAL ORIENTATION, MARITAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, LANGUAGE OR CULTURE, GENDER, GENDER IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AND ALL WITH IN THE DOCUMENT RECORDING DATE: APRIL 24, 1973, RECORDING NO.: BOOK 920, PAGE 985.
AFFECTS: PARCEL 7 - AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE

18. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT: ENTITLED: EASEMENT, AS ATTACHED TO AND RECORDED WITH CITY OF TUALATIN RESOLUTION NO. 483-78 IN FAVOR OF: CITY OF TUALATIN PURPOSE: CONSTRUCT AND MAINTAIN WATER PIPELINE AND APPURTENANCES, RECORDING DATE: DECEMBER 7, 1978 RECORDING NO.: 78-00550
AFFECTS: VACATED PORTION OF SW GALBREATH WAY - AFFECTS PROPERTY, PLOTTED

19. STREET IMPROVEMENT AGREEMENT
BETWEEN: CITY OF TUALATIN AND: NW NATURAL GAS, INC.
RECORDING DATE: MARCH 23, 1994
RECORDING NUMBER: 94-027888
- AFFECTS PROPERTY, NOT PLOTTED, BLANKET IN NATURE

20. AN UNRECORDED LEASE WITH CERTAIN TERMS, COVENANTS, CONDITIONS AND PROVISIONS SET FORTH THEREIN AS DISCLOSED BY THIS DOCUMENT

ENTITLED: MEMORANDUM OF SITE LEASE AGREEMENT
LESSOR: NORTHWEST NATURAL GAS COMPANY
LESSEE: INTERSTATE MOBILEPHONE COMPANY, A WASHINGTON GENERAL PARTNERSHIP, DBA AT&T WIRELESS SERVICES
RECORDING DATE: AUGUST 14, 1996
RECORDING NO: 96-025275
- REFERENCE MADE SAID DOCUMENT - FULL PARTICULARS
- AFFECTS PROPERTY, PLOTTED, SEE ENCROACHMENT NOTE

BY GRAPHIC PLOTTING ONLY, THE SITE IS SHOWN AS BEING IN ZONE C, (AREAS OF MINIMAL FLOODING). THE PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE. THE INFORMATION WAS FOUND ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 410277 0002 D, WHICH BEARS AN EFFECTIVE DATE OF: FEBRUARY 19, 1987.

- DOCUMENT NO. 94-021176 IS A DEDICATION OF 16 ADDITIONAL FEET ALONG THE WESTERLY RIGHT OF WAY OF S.W. McEWAN ROAD. IMPROVEMENTS SUCH AS FENCE AND EXTRUDED CURB PRE-DATE THIS DEDICATION, AND ENCRoACH INTO THE RIGHT OF WAY.
- ALONG THE SOUTHERLY PROPERTY LINE, ABUTTING THE SOUTHERN PACIFIC RAILWAY RIGHT OF WAY, THE NORTHEASTERLY 317 FEET OF THE EXISTING FENCE FALLS INTO THE RAILWAY RIGHT OF WAY VARIABLE DISTANCES, WITH A MAXIMUM ENCRoACHMENT OF 1.5 FEET.
- THE AREA OCCUPIED BY THE CELLULAR TOWER AND APPURTENANCES FALLS OUTSIDE OF THE LEASE EASEMENT AREA BY 12.5 FEET. THIS APPEARS TO BE CAUSED BY AN ERROR IN THE BEGINNING POINT OF THE DESCRIPTION. THE BUILDING IN THIS AREA ALSO ENCRoACHES INTO THE 30 FOOT FRONT SETBACK.
- THE "NW NATURAL GAS OPERATIONS" SIGN ENCRoACHES INTO THE McEWAN ROAD RIGHT OF WAY 1.25 FEET.

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

SOME FEATURES ON THIS MAP MAY BE SHOWN OUT OF SCALE FOR CLARITY.

SUBTRACT, HEIGHT, AND FLOOR SPACE AREA RESTRICTIONS DISCLOSED BY APPLICABLE ZONING OR BUILDING CODES AS FOUND ONLINE.

THERE ARE FIVE DIRECT ACCESS POINTS TO THIS SITE AS SHOWN, FROM SW MCEWAN

ON THE DATE OF THE FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT (3) MONTHS.*

ON THE DATE OF THE FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF RECENT (3 MONTHS) STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.*

ON THE DATE OF THE FIELD SURVEY THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, PUMP OR SANITARY LANDFILL.*

THE POSTED ADDRESS ON SITE IS 7100 SW MCEWAN ROAD.

SOME FENCES SHOWN ARE NOT ON THE PROPERTY LINES. SEE MAP FOR DIMENSIONS.

SEE ZONING INFORMATION FOR EXISTING PARKING INFORMATION.

BASIS OF BEARINGS IS THE PLAT OF "TUALATIN VALLEY HOMES", FROM RECORD MONUMENTS FOUND AT THE EASTERLY CORNERS OF LOT 33.

ELEVATIONS ARE BASED ON DATA OF LAKE OSWEGO BENCHMARK NO. 01 0-1, WITH AN ELEVATION OF 169.81M. DATUM IS NGVD 29. THE BENCHMARK IS LOCATED ON THE TOP OF THE CURB ON THE EASTERLY SIDE OF SW MCEWAN ROAD, 196 FEET NORTH OF THE RAILROAD.

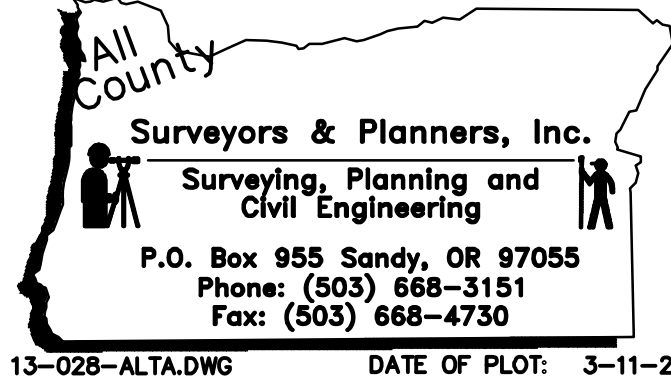
IN THE SOUTHEASTERLY PORTION OF THE SITE, NW NATURAL GAS COMPANY AS-BUILT MAPS NOTE A RAILROAD SPUR AND "R.R. EASE. #219 (SPUR TRACK AGREEMENT) ON THEIR PLAT I.D. 1-049-022

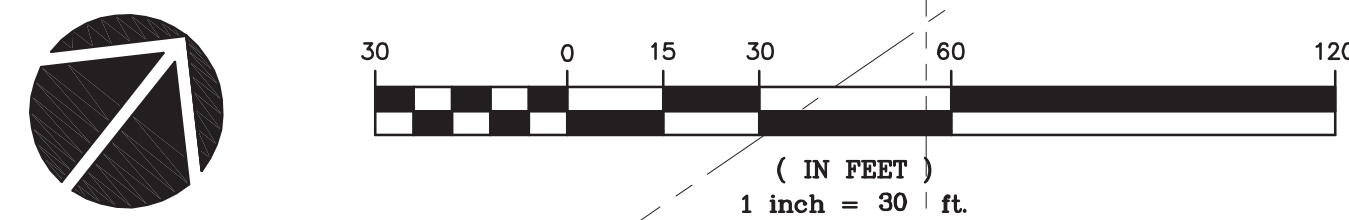
ALL FIELD MEASUREMENTS MATCHED RECORD DIMENSIONS WITHIN THE PRECISION REQUIREMENTS OF ALTA/ACSM SPECIFICATIONS UNLESS OTHERWISE SHOWN.

ALL PARCELS ARE CONTIGUOUS WITHOUT EVIDENCE OF GAPS, GORES, OR OVERLAPS.

STATUS	ZONING CLASSIFICATION: LIGHT MANUFACTURING (ML)		STATUS
ITEM	REQUIRED	OBSERVED	SOURCE INFORMATION: THE INFORMATION IN THIS TABLE WAS OBTAINED FROM THE: CITY OF TUALATIN PLANNING DEPARTMENT: 18876 SW MARTINAZZI AVE TUALATIN, OR 97062-7092 PHONE: 503-691-3026 WWW.TUALATINOREGON.GOV
MIN. LOT AREA	20,000 SF	447,314 SF	
MIN. FRONTAGE	100'	775.90'	
MAX. BLDG COVERAGE	SEE NOTE 7	24.8%	
MIN. SETBACKS FRONT	30'	58.6' (11.9' CELL BLDG.)	
MIN. SETBACKS SIDE	SEE NOTE 1	68.6'	
MIN. SETBACKS REAR	SEE NOTE 2	N/A	
MAX BUILDING HEIGHT	50' SEE NOTE 6	20.5'	
PARKING REGULAR	SEE NOTE 7	204	
PARKING HANDICAP	SEE NOTE 7	2	
PARKING TOTAL	SEE NOTE 7	206	

- NOTES:
- 1) SIDE YARD SETBACK. THE MINIMUM SETBACK IS 0 TO 50 FEET, AS DETERMINED IN THE ARCHITECTURAL REVIEW PROCESS
- 2) REAR YARD SETBACK. THE MINIMUM SETBACK IS 0 TO 50 FEET, AS DETERMINED IN THE ARCHITECTURAL REVIEW PROCESS
- 3) CORNER LOT YARDS. THE MINIMUM SETBACK IS THE MAXIMUM SETBACK PRESCRIBED FOR EACH YARD FOR A SUFFICIENT DISTANCE FROM THE STREET INTERSECTIONS AND DRIVEWAYS TO PROVIDE ADEQUATE VISIBILITY TO PEDESTRIAN TRAFFIC AT INTERSECTIONS AND DRIVEWAYS, AS DETERMINED IN THE ARCHITECTURAL REVIEW PROCESS.
- 3) THE MINIMUM PARKING AND CIRCULATION AREA SETBACK IS 5 FEET
- 4) NO SETBACKS ARE REQUIRED AT POINTS WHERE SIDE OR REAR PROPERTY LINES ABUT A RAIL-ROAD RIGHT-OF-WAY OR SPUR TRAIL.
- 5) NO FENCE SHALL BE CONSTRUCTED WITHIN 10 FEET OF A PUBLIC RIGHT-OF-WAY.
- 6) NO STRUCTURE SHALL EXCEED A HEIGHT OF 50 FEET AND FLAGPOLES WHICH DISPLAY THE FLAG OF THE UNITED STATES OF AMERICA EITHER ALONE OR WITH THE STATE OF OREGON FLAG SHALL NOT EXCEED 100 FEET.
- 7) THERE MAY BE A NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODES, WE REFER YOU TO THE CITY OF TUALATIN FOR ALL APPLICABLE ZONING CODES.
- 8) THE CLIENT MUST ALWAYS CHECK WITH THE LOCAL JURISDICTION WHEN CHANGING OR MODIFYING THE SITE, INCLUDING BUT NOT LIMITED TO USE, SOME STATE AND FEDERAL LAWS MAY APPLY TO THE SITES THAT WERE NOT REVIEWED BY THIS SURVEY. THE CLIENT IS ADVISED TO RESEARCH BOTH STATE AND FEDERAL LAW PRIOR TO PURCHASE.





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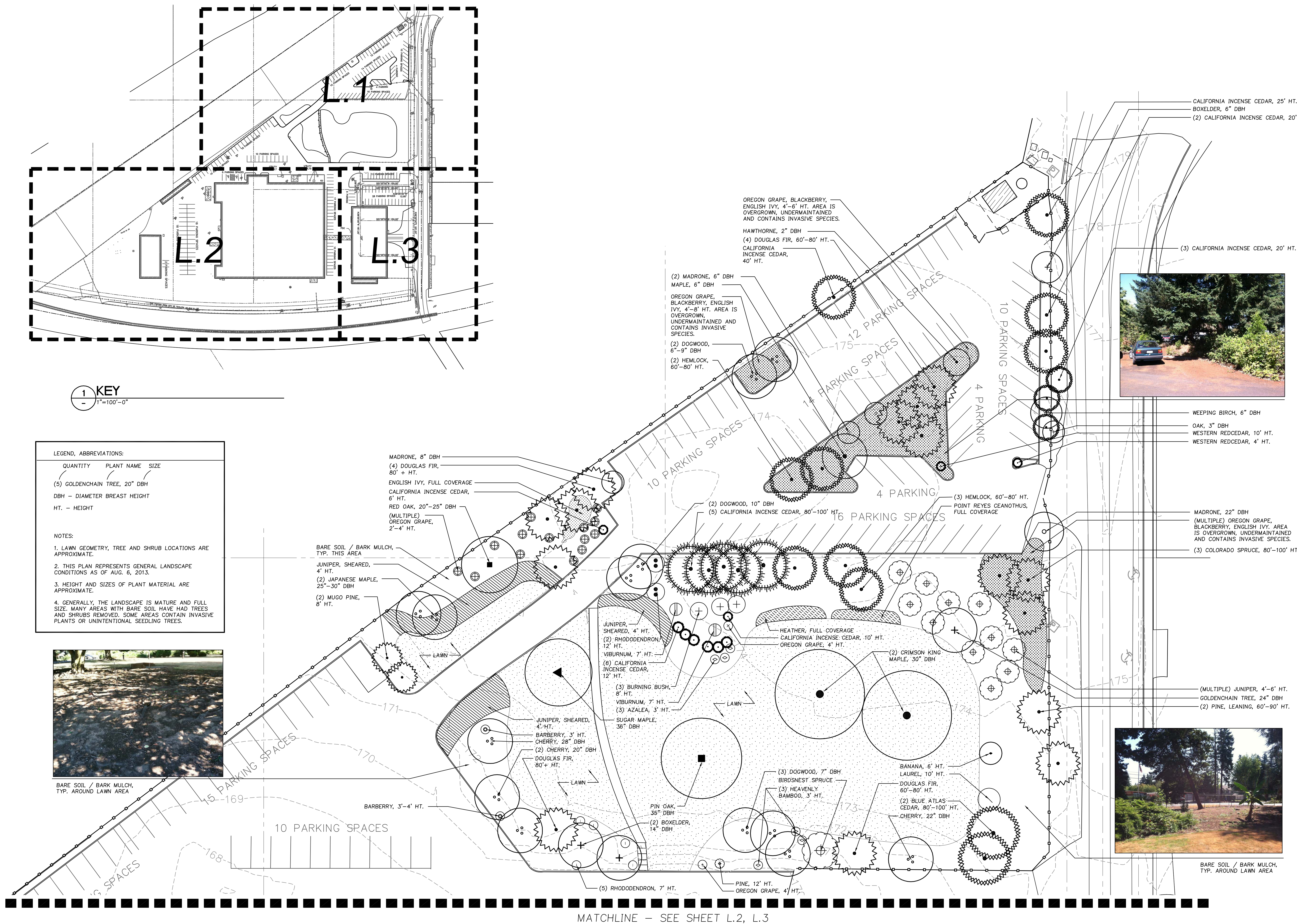


**PRELIMINARY
SITE PLAN**

TUALATIN, OR

NOVEMBER 27, 2013

JOB #: 2130364.00



1 KEY
1"=100'-0"

LEGEND, ABBREVIATIONS:

QUANTITY PLANT NAME SIZE

(5) GOLDENCHAIN TREE, 20" DBH

DBH - DIAMETER BREST HEIGHT

HT. - HEIGHT

NOTES:

1. LAWN GEOMETRY, TREE AND SHRUB LOCATIONS ARE APPROXIMATE.

2. THIS PLAN REPRESENTS GENERAL LANDSCAPE CONDITIONS AS OF AUG. 6, 2013.

3. HEIGHT AND SIZES OF PLANT MATERIAL ARE APPROXIMATE.

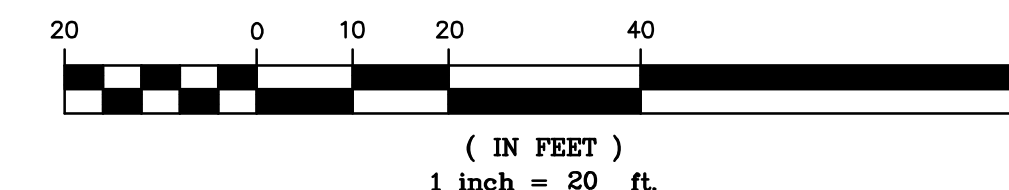
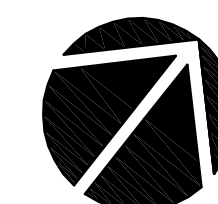
4. GENERALLY, THE LANDSCAPE IS MATURE AND FULL SIZE. MANY AREAS WITH BARE SOIL HAVE HAD TREES AND SHRUBS REMOVED. SOME AREAS CONTAIN INVASIVE PLANTS OR UNINTENTIONAL SEEDLING TREES.



BARE SOIL / BARK MULCH, TYP. AROUND LAWN AREA

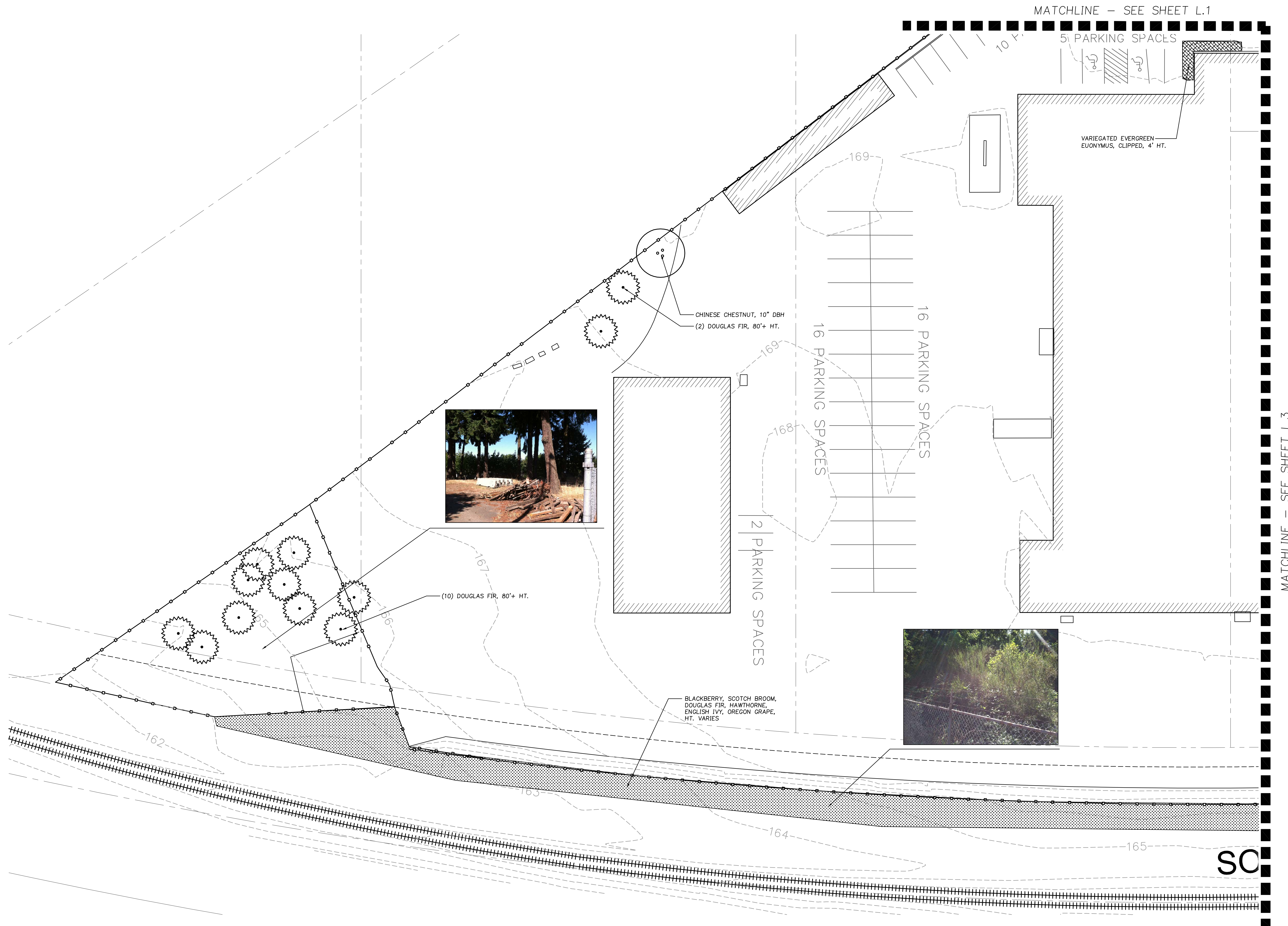
2 EXISTING SITE VEGETATION - PLAN
1"=20'-0"

MATCHLINE - SEE SHEET L.2, L.3

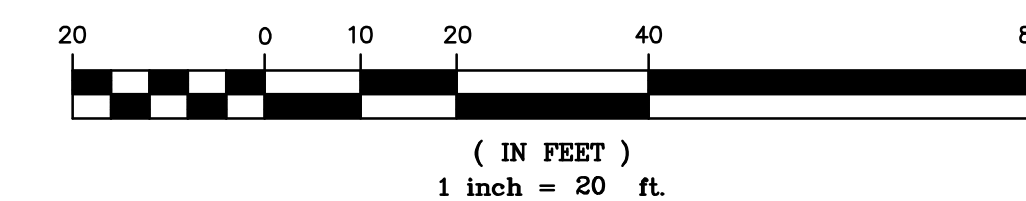
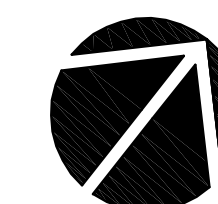


L.1

REVISION NO.	DATE	REVISION DESCRIPTION



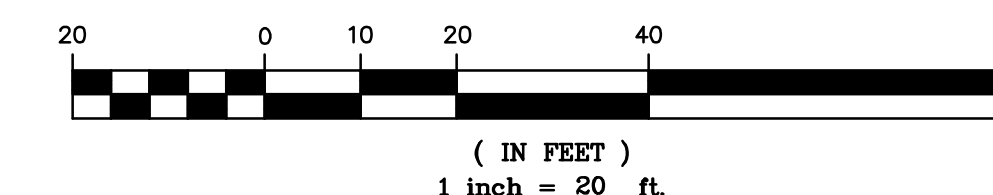
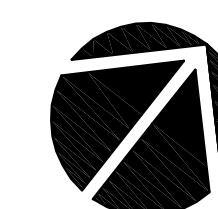
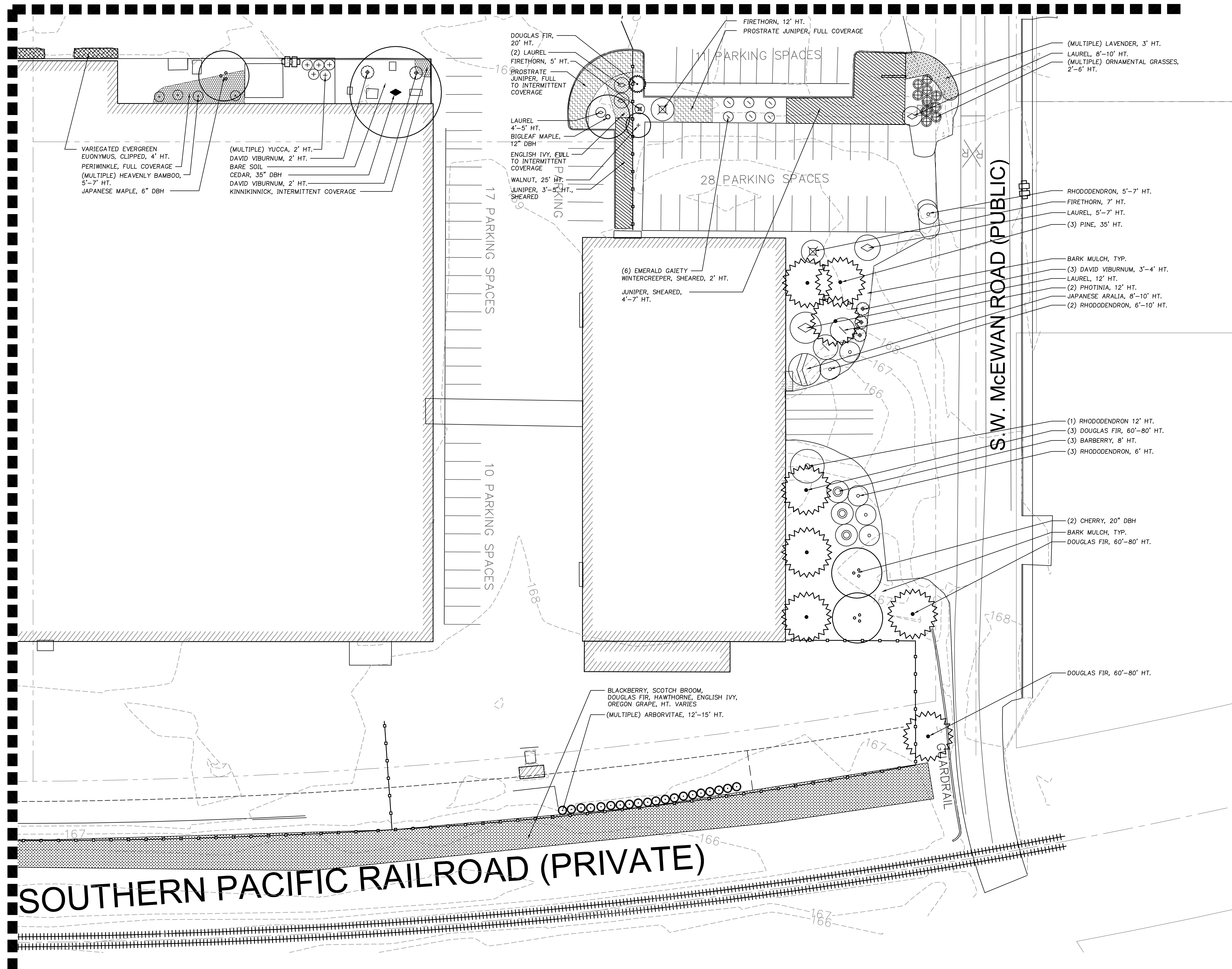
1 EXISTING SITE VEGETATION - PLAN
1"=20'-0"



REVISION	DATE	REVISION DESCRIPTION

MATCHLINE - SEE SHEET L.1

MATCHLINE - SEE SHEET L.2





View A



View B



View C



View D



View E



View F



View G



View H



View I



Colin Cortes

From: Ryan Schera [RSchera@mcknze.com]
Sent: Tuesday, December 10, 2013 6:52 AM
To: TONY DORAN
Cc: Colin Cortes; Brent Ahrend
Subject: U-Haul Tualatin - Traffic Report Update
Attachments: LTR-U-Haul-TIA-131111 REV.pdf

Tony,

Per your discussion with our traffic engineer (Brent Ahrend) attached is the updated traffic report for U-Haul.

Ryan Schera, LEED AP
Land Use Planner : Project Manager



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P 503.224.9560 W mcknze.com C [vcard](#)

RiverEast Center
1515 SE Water Ave, Suite 100
Portland OR 97214

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November 11, 2013 (*Revised December 12, 2013*)

City of Tualatin
Attention: Tony Doran
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Re: **Tualatin U-Haul**
Traffic Information Report
Project Number 2130364.00

Dear Mr. Doran:

This letter has been prepared to address the traffic impacts of the proposed redevelopment of the NW Natural facility at 7100 SW McEwan Road in Tualatin, Oregon. U-Haul International plans to convert the site into a self-storage warehouse, truck rental facility, and retail front for their services.

The 10.27-acre site includes seven tax lots and several existing buildings and is located east of Interstate 5, west and north of the Southern Pacific Railroad track, and south of McEwan Road.

EXISTING CONDITIONS

Site Development

The site is currently occupied by NW Natural and serves as an operations center for various utility activities and functions including, but not limited to, fleet maintenance, equipment storage, employee training, and administrative offices. Figure 1 (attached) presents a vicinity map of the surrounding area.

Trip Generation

Typically, trip generation estimates would be based on rates in the current ITE *Trip Generation Manual*, but there are no specific ITE land uses which fit the existing use description.

Instead, traffic volumes were counted at the site accesses for the PM peak and midday peak hours.

The resulting site trips are summarized in the following table.



TABLE 1 – OBSERVED NW NATURAL TRIP GENERATION								
Time Period	Weekday Midday Peak Hour Trips				Weekday PM Peak Hour Trips			
	Entering	Exiting	Total	Hour	Entering	Exiting	Total	Hour
Peak Hour of Adjacent Roadway System	19	22	41	12:00-1:00 PM	10	21	31	4:30-5:30 PM
Peak Hour of Generator	19	22	41	12:00-1:00 PM	11	24	35	4:20-5:20 PM

PROPOSED CONDITIONS

Site Development

The applicant proposes to redevelop the existing site, making use of the existing structures. The uses will include:

- Building A (20,252 SF) – Long-term storage (U-Box portable storage, only accessed with employee assistance)
- Building B (80,618 SF) – up to 850 self-storage lockers and 3,240 SF of U-Haul retail frontage
- Building C (7,324 SF) – U-Haul truck maintenance and trailer hitch installation
- On-site truck and trailer rental and long-term RV storage

Trip Generation

Due to the unique characteristics and combination of uses at the site, there are no similar use trip rates in the ITE Trip Generation Manual. Instead, a survey of a similar site was used to estimate overall trips.

Data was collected at a U-Haul site in Auburn, Washington. The study, conducted by Heath & Associates, Inc., is attached for reference.

The Auburn site shares characteristics with the Tualatin site including:

- Suburban location approximately 10-20 miles to urban city center
- Visibility from freeway and close proximity to interchange
- Similar size – 10.72 acres
- Same company with similar uses:
 - 22,000 SF of U-Box portable container storage
 - 114,898 SF of self-storage
 - 8,795 SF of U-Haul retail frontage and offices
 - 25,126 SF of U-Haul truck maintenance and trailer hitch installation
 - Truck and trailer rental

It should be noted that the Auburn site is slightly larger than the Tualatin site in all respects.

Existing traffic was counted at the site access for 7 days starting on May 12, 2011. Notable characteristics include:

- Peak trip generation (44 vehicles/hour) occurred on a Tuesday during the PM peak.
- Tuesday yielded a weekday off-peak generation of 38 vehicles/hour starting at 11:45 AM. This off-peak was higher than most peaks on the other 6 days.
- The highest non-Tuesday trip generation (40 vehicles/hour) occurred at 2:45 PM on Monday. Other typical peak periods yielded fewer vehicles.
- Average PM peak hour trip generation across a typical weekday (Tuesday through Thursday) was 31 vehicles/hour.
- Average midday peak hour trip generation across the same weekdays was 33 vehicles/hour at 11:30 AM.

The resulting site trip characteristics are summarized in the following table.

TABLE 2 –U-HAUL TRIP GENERATION CHARACTERISTICS				
Time Period	Weekday (Tues-Thurs)		Weekend	
	Peak Hour	ADT	Peak Hour	ADT
Peak	44 (16% in/84% out)	365	39 (54% in/46% out)	327
Average	33 (50% in/50% out)	332	28 (60% in/40% out)	218

As noted above, weekdays yielded higher overall peak trip generation and average peaking characteristics than the two weekend days (Saturday and Sunday) surveyed. Even Monday's peak of 40 vehicles per hour surpassed Saturday's highest peak hour, and the daily total on Friday, 342 ADT, surpassed Saturday's total, 327 ADT.

For the purposes of this analysis, the following trip generation is proposed, assuming the smaller Tualatin site has the same number of trips as the surveyed site in Auburn.

TABLE 3 – OBSERVED U-HAUL TRIP GENERATION								
Time Period	Weekday Midday Peak Hour Trips				Weekday PM Peak Hour Trips			
	Entering	Exiting	Total	Hour	Entering	Exiting	Total	Hour
Peak Hour of Generator	17	16	33	11:45 AM-12:45 PM	10	21	31	4:00-5:00 PM

NET TRIP IMPACTS

The net difference in trips represents the estimated impact of the proposed development over the existing weekday conditions. The following table presents a summary of the anticipated net trip difference.

TABLE 4 – NET SITE TRIP GENERATION						
Time Period	Weekday Midday Peak Hour Trips			Weekday PM Peak Hour Trips		
	Entering	Exiting	Total	Entering	Exiting	Total
Proposed Site	17	16	33	10	21	31
Existing Site	19	22	41	10	21	31
Net Trip Impact	-2	-6	-8	0	0	0

CONCLUSION

As shown from Table 4, the U-Haul development will not increase trips on the adjacent street system, and there will be no change in traffic operation during peak hours.

If you have any questions regarding this information, please contact us directly.

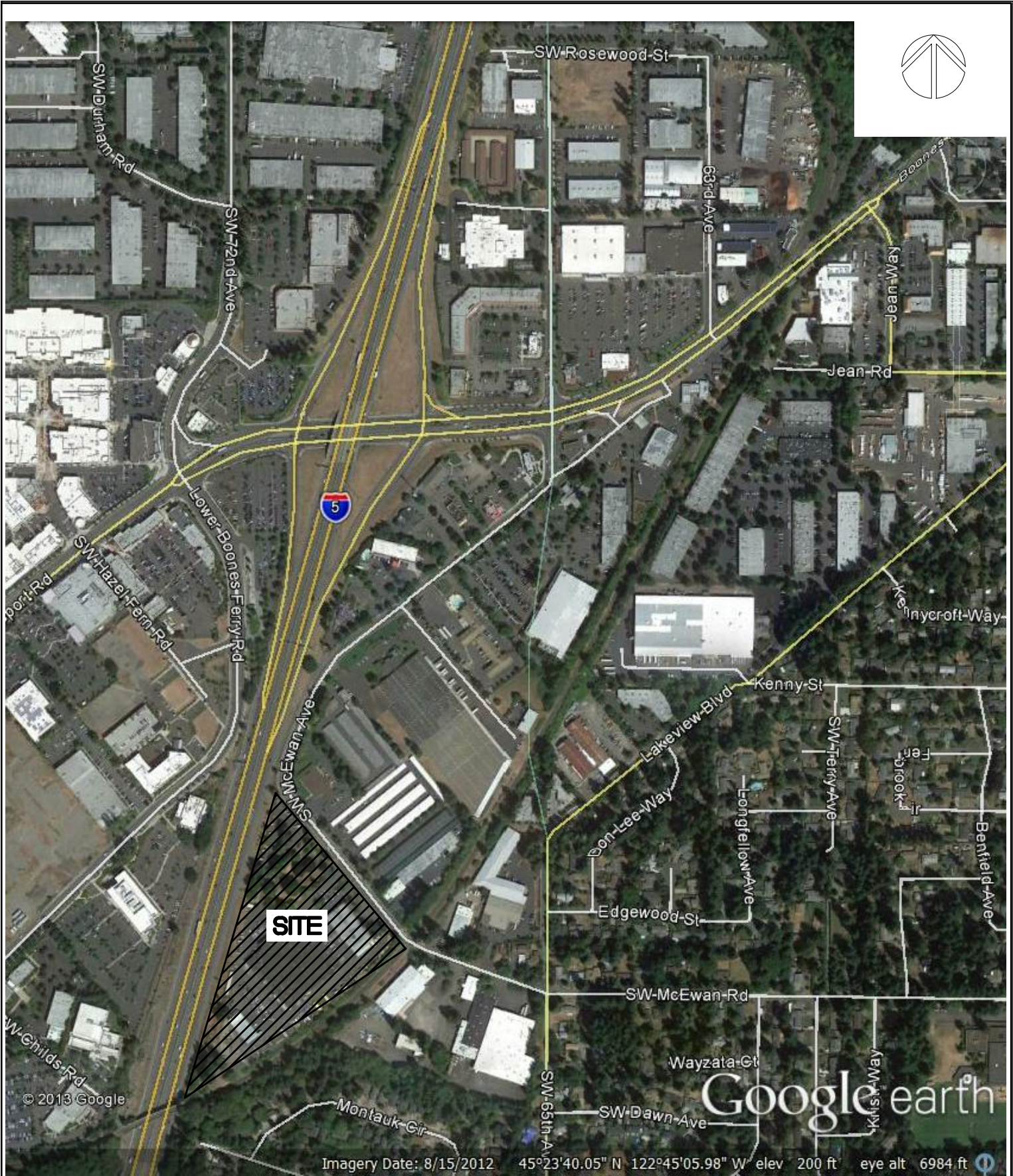
Sincerely,



Brent Ahrend, P.E.
Senior Associate | Transportation Engineer

Enclosures: Site Vicinity
 Trip Generation for U-Haul – Heath & Associate, Inc.
 Traffic Count Summaries

c: David Pollock, David Scheafer – U-Haul International
 Ryan Schera, Justin Belk – Mackenzie



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DATE: 09.30.13

DRAWN BY: KLA

CHECKED BY: BTA

JOB NO:

213036400

VICINITY MAP

U-HAUL INTERNATIONAL
TUALATIN, OREGON

FIGURE

1

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 USED OR REPRODUCED IN ANY MANNER, WITHOUT PRIOR WRITTEN PERMISSION

Attachment 101B
 Application Materials
 Page 32 of 70



May 20, 2011

Mr. David Pollock
 Amerco Real Estate Company
 2727 N Central Avenue
 Phoenix, AZ 85004

Subject: Trip Generation for U-Haul

Mr. Pollock:

Project Description

This letter addresses trip generation information for U-Haul rental yards. An existing U-Haul site located at 5110 Frontage Rd NW in Auburn, WA was selected to collect field data. This U-Haul rental yard houses a number of different uses. A breakdown of the separate uses is as follows:

<u>Tenant Use</u>	<u>Square Footage</u>	<u># of Employees</u>
Business Retail	8,795	5
Business Offices	8,795	10
U-Haul Self Storage	114,898 (2 Floors)	-
Container Storage	22,000	2
U-Haul Maintenance Shop	25,126	27

Data Collection

The request was made to separate out trips associated with the maintenance shop from the rest of the uses. Two kinds of field data were collected. 24-hour tube counts were performed over 7 days at the access driveway to the site to capture inbound and outbound trips for all vehicles accessing the site. A single 12-hour manual count from 6 AM to 6 PM was performed on site that recorded inbound and outbound trips associated with the U-Haul maintenance shop only. This time period was targeted given the maintenance shop's hours of operation from 6 AM to 5:30 PM.

Subtracting the maintenance shop trips from the total trips on the site would then yield trip generation numbers for a typical U-Haul site with no maintenance shop. A summary of the data collected is given below. Data collection is shown in the appendix. Each number represents the associated trips for the studied 12-hour time period from 6 AM to 6 PM, Monday May 16, 2011.

<u>Total Site Trips</u>		<u>Maintenance Shop Trips</u>		<u>Net Difference</u>	
<u>Inbound</u>	<u>Outbound</u>	<u>Inbound</u>	<u>Outbound</u>	<u>Inbound</u>	<u>Outbound</u>
135	111	81	66	54	45

Please call if further information is required.

Sincerely,

Gregory B. Heath, P.E.



5/20/11

APPENDIX A

DATA COLLECTION 24 HOUR COUNT 7 DAY PERIOD

5/11/11 TO 5/18/11

TRAFFIC COUNT CONSULTANTS, INC.

Team@tc2inc.com
(425) 861-8866

Page 1

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	09-May-11		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	*	*	*	*	*	*	0	0	2	1	0	0	1	1	1	0
01:00	*	*	*	*	*	*	0	0	0	1	0	0	0	0	0	0
02:00	*	*	*	*	*	*	0	1	1	0	0	0	0	0	0	0
03:00	*	*	*	*	*	*	0	1	0	1	0	0	0	0	0	0
04:00	*	*	*	*	*	*	1	1	2	2	1	1	0	0	1	1
05:00	*	*	*	*	*	*	0	8	0	4	2	0	0	0	0	3
06:00	*	*	*	*	*	*	0	20	3	23	0	3	0	0	1	12
07:00	*	*	*	*	*	*	10	9	6	7	4	8	1	3	5	7
08:00	*	*	*	*	*	*	2	7	6	9	9	10	1	4	4	8
09:00	*	*	*	*	*	*	6	9	10	13	9	15	4	8	7	11
10:00	*	*	*	*	*	*	11	9	12	13	10	14	2	1	9	9
11:00	*	*	*	*	*	*	15	14	13	11	23	9	11	6	16	10
12:00 PM	*	*	*	*	*	*	15	12	14	16	16	20	6	13	13	15
01:00	*	*	*	*	*	*	12	16	18	16	9	16	2	6	10	14
02:00	*	*	*	*	*	*	14	11	12	14	17	18	6	5	12	12
03:00	*	*	*	*	*	*	19	15	15	11	18	5	3	3	14	8
04:00	*	*	*	*	*	*	26	12	21	3	4	13	5	2	14	8
05:00	*	*	*	*	*	*	9	5	17	6	23	13	2	4	13	7
06:00	*	*	*	*	*	*	7	7	10	4	9	9	3	0	7	5
07:00	*	*	*	*	*	*	4	4	9	6	10	4	1	0	6	4
08:00	*	*	*	*	*	*	1	0	2	0	3	0	1	1	2	0
09:00	*	*	*	*	*	*	0	0	4	4	1	0	0	0	1	1
10:00	*	*	*	*	*	*	0	0	0	0	0	0	1	1	0	0
11:00	*	*	*	*	*	*	0	0	0	0	0	1	0	0	0	0
Lane Day	0	0	0	0	0	0	152	161	177	165	168	159	50	58	136	135
AM Peak	0		0		0		313		342		327		108		271	
Volume							15	20	13	23	23	15	11	8	16	12
PM Peak							16:00	13:00	16:00	12:00	17:00	12:00	12:00	12:00	15:00	12:00
Volume							26	16	21	16	23	20	6	13	14	15

TRAFFIC COUNT CONSULTANTS, INC.

Team@tc2inc.com
(425) 861-8866

Page 2

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	16-May-11		Tue		Wed		Thu		Fri		Sat		Sun		Week Average	
	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB	WB	EB
12:00 AM	0	1	0	0	0	0	*	*	*	*	*	*	*	*	0	0
01:00	1	0	0	0	0	0	*	*	*	*	*	*	*	*	0	0
02:00	0	0	0	0	0	0	*	*	*	*	*	*	*	*	0	0
03:00	0	0	0	1	0	1	*	*	*	*	*	*	*	*	0	1
04:00	1	2	0	1	0	0	*	*	*	*	*	*	*	*	0	1
05:00	0	0	1	8	0	7	*	*	*	*	*	*	*	*	0	5
06:00	0	22	1	28	1	23	*	*	*	*	*	*	*	*	1	24
07:00	4	6	9	13	5	10	*	*	*	*	*	*	*	*	6	10
08:00	4	9	3	24	6	14	*	*	*	*	*	*	*	*	4	16
09:00	6	10	7	9	12	11	*	*	*	*	*	*	*	*	8	10
10:00	5	11	10	8	12	14	*	*	*	*	*	*	*	*	9	11
11:00	8	14	12	13	6	13	*	*	*	*	*	*	*	*	9	13
12:00 PM	8	15	17	17	18	13	*	*	*	*	*	*	*	*	14	15
01:00	12	11	18	19	11	10	*	*	*	*	*	*	*	*	14	13
02:00	18	14	11	9	13	11	*	*	*	*	*	*	*	*	14	11
03:00	22	11	14	11	20	13	*	*	*	*	*	*	*	*	19	12
04:00	9	5	22	12	15	7	*	*	*	*	*	*	*	*	15	8
05:00	12	5	35	7	25	10	*	*	*	*	*	*	*	*	24	7
06:00	3	2	12	3	2	1	*	*	*	*	*	*	*	*	6	2
07:00	4	2	5	2	7	6	*	*	*	*	*	*	*	*	5	3
08:00	0	0	1	1	0	0	*	*	*	*	*	*	*	*	0	0
09:00	0	1	1	0	1	1	*	*	*	*	*	*	*	*	1	1
10:00	0	0	0	0	0	0	*	*	*	*	*	*	*	*	0	0
11:00	0	0	0	0	0	0	*	*	*	*	*	*	*	*	0	0
Lane Day	117	141	179	186	154	165	0	0	0	0	0	0	0	0	149	163
AM Peak	11:00	06:00	11:00	06:00	09:00	06:00									10:00	06:00
Volume	8	22	12	28	12	23									9	24
PM Peak	15:00	12:00	17:00	13:00	17:00	12:00									17:00	12:00
Volume	22	15	35	19	25	13									24	15

Comb. Total 258 365 319 313 342 327 108 583

ADT Not Calculated

TRAFFIC COUNT CONSULTANTS, INC.

Team@tc2inc.com
(425) 861-8866

Page 1

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Site Code: 01
Station ID:

Latitude: -999' 0.000 South

Start Time	12-May-1 Thu	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	6			0	6				
12:15		0	1			0	0				
12:30		0	3			0	5				
12:45		0	5	0	15	0	1	0	12	0	27
01:00		0	1			0	1				
01:15		0	5			0	7				
01:30		0	4			0	6				
01:45		0	2	0	12	0	2	0	16	0	28
02:00		0	4			0	4				
02:15		0	3			1	4				
02:30		0	3			0	1				
02:45		0	4	0	14	0	2	1	11	1	25
03:00		0	4			0	3				
03:15		0	3			0	6				
03:30		0	9			1	3				
03:45		0	3	0	19	0	3	1	15	1	34
04:00		0	4			0	1				
04:15		0	4			0	3				
04:30		1	11			0	4				
04:45		0	7	1	26	1	4	1	12	2	38
05:00		0	3			0	0				
05:15		0	3			2	0				
05:30		0	3			2	0				
05:45		0	0	0	9	4	5	8	5	8	14
06:00		0	1			1	3				
06:15		0	1			1	2				
06:30		0	3			5	1				
06:45		0	2	0	7	13	1	20	7	20	14
07:00		2	2			2	2				
07:15		2	0			0	1				
07:30		3	2			4	1				
07:45		3	0	10	4	3	0	9	4	19	8
08:00		1	0			2	0				
08:15		0	1			4	0				
08:30		1	0			0	0				
08:45		0	0	2	1	1	0	7	0	9	1
09:00		2	0			0	0				
09:15		2	0			4	0				
09:30		2	0			2	0				
09:45		0	0	6	0	3	0	9	0	15	0
10:00		3	0			3	0				
10:15		4	0			3	0				
10:30		2	0			2	0				
10:45		2	0	11	0	1	0	9	0	20	0
11:00		4	0			4	0				
11:15		3	0			5	0				
11:30		4	0			3	0				
11:45		4	0	15	0	2	0	14	0	29	0
Total		45	107			79	82			124	189
Percent		29.6%	70.4%			49.1%	50.9%			39.6%	60.4%

TRAFFIC COUNT CONSULTANTS, INC.

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Page 2

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Site Code: 01
Station ID:

Latitude: -999' 0.000 South

Start Time	13-May-1 Fri	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	7			0	6				
12:15		2	3			0	2				
12:30		0	3			1	4				
12:45		0	1	2	14	0	4	1	16	3	30
01:00		0	4			0	5				
01:15		0	4			0	7				
01:30		0	4			0	1				
01:45		0	6	0	18	1	3	1	16	1	34
02:00		1	1			0	3				
02:15		0	1			0	5				
02:30		0	5			0	5				
02:45		0	5	1	12	0	1	0	14	1	26
03:00		0	3			0	3				
03:15		0	3			0	3				
03:30		0	5			0	3				
03:45		0	4	0	15	1	2	1	11	1	26
04:00		2	1			0	1				
04:15		0	4			0	0				
04:30		0	6			1	0				
04:45		0	10	2	21	1	2	2	3	4	24
05:00		0	6			0	2				
05:15		0	4			0	2				
05:30		0	7			3	0				
05:45		0	0	0	17	1	2	4	6	4	23
06:00		0	0			3	1				
06:15		0	1			2	0				
06:30		2	6			5	0				
06:45		1	3	3	10	13	3	23	4	26	14
07:00		1	3			2	3				
07:15		3	2			3	0				
07:30		0	2			2	1				
07:45		2	2	6	9	0	2	7	6	13	15
08:00		1	0			4	0				
08:15		4	0			4	0				
08:30		1	1			0	0				
08:45		0	1	6	2	1	0	9	0	15	2
09:00		2	0			3	0				
09:15		2	2			5	4				
09:30		6	2			4	0				
09:45		0	0	10	4	1	0	13	4	23	8
10:00		2	0			4	0				
10:15		6	0			5	0				
10:30		2	0			3	0				
10:45		2	0	12	0	1	0	13	0	25	0
11:00		2	0			2	0				
11:15		5	0			3	0				
11:30		5	0			5	0				
11:45		1	0	13	0	1	0	11	0	24	0
Total		55	122			85	80			140	202
Percent		31.1%	68.9%			51.5%	48.5%			40.9%	59.1%

TRAFFIC COUNT CONSULTANTS, INC.

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Page 3

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	14-May-1 Sat	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	4			0	5				
12:15		0	5			0	6				
12:30		0	3			0	5				
12:45		0	4	0	16	0	4	0	20	0	36
01:00		0	2			0	2				
01:15		0	4			0	6				
01:30		0	2			0	3				
01:45		0	1	0	9	0	5	0	16	0	25
02:00		0	2			0	5				
02:15		0	6			0	6				
02:30		0	4			0	2				
02:45		0	5	0	17	0	5	0	18	0	35
03:00		0	8			0	1				
03:15		0	4			0	1				
03:30		0	4			0	2				
03:45		0	2	0	18	0	1	0	5	0	23
04:00		1	2			0	2				
04:15		0	0			0	1				
04:30		0	0			1	2				
04:45		0	2	1	4	0	8	1	13	2	17
05:00		1	5			0	2				
05:15		0	6			0	4				
05:30		0	5			0	7				
05:45		1	7	2	23	0	0	0	13	2	36
06:00		0	2			0	4				
06:15		0	1			0	1				
06:30		0	2			2	3				
06:45		0	4	0	9	1	1	3	9	3	18
07:00		1	6			5	2				
07:15		3	0			0	2				
07:30		0	4			1	0				
07:45		0	0	4	10	2	0	8	4	12	14
08:00		1	2			2	0				
08:15		2	0			3	0				
08:30		2	0			1	0				
08:45		4	1	9	3	4	0	10	0	19	3
09:00		0	0			7	0				
09:15		1	0			4	0				
09:30		3	0			3	0				
09:45		5	1	9	1	1	0	15	0	24	1
10:00		3	0			2	0				
10:15		1	0			3	0				
10:30		0	0			6	0				
10:45		6	0	10	0	3	0	14	0	24	0
11:00		8	0			3	0				
11:15		8	0			3	1				
11:30		3	0			2	0				
11:45		4	0	23	0	1	0	9	1	32	1
Total		58	110			60	99			118	209
Percent		34.5%	65.5%			37.7%	62.3%			36.1%	63.9%

TRAFFIC COUNT CONSULTANTS, INC.

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Page 4

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	15-May-1 Sun	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	0			0	3				
12:15		0	1			0	3				
12:30		0	3			0	5				
12:45		1	2	1	6	1	2	1	13	2	19
01:00		0	0			0	2				
01:15		0	2			0	0				
01:30		0	0			0	0				
01:45		0	0	0	2	0	4	0	6	0	8
02:00		0	0			0	0				
02:15		0	2			0	0				
02:30		0	1			0	0				
02:45		0	3	0	6	0	5	0	5	0	11
03:00		0	1			0	0				
03:15		0	0			0	1				
03:30		0	2			0	2				
03:45		0	0	0	3	0	0	0	3	0	6
04:00		0	0			0	1				
04:15		0	2			0	0				
04:30		0	2			0	1				
04:45		0	1	0	5	0	0	0	2	0	7
05:00		0	1			0	1				
05:15		0	0			0	1				
05:30		0	1			0	1				
05:45		0	0	0	2	0	1	0	4	0	6
06:00		0	0			0	0				
06:15		0	0			0	0				
06:30		0	1			0	0				
06:45		0	2	0	3	0	0	0	0	0	3
07:00		0	1			1	0				
07:15		0	0			1	0				
07:30		1	0			1	0				
07:45		0	0	1	1	0	0	3	0	4	1
08:00		0	0			0	0				
08:15		0	1			0	1				
08:30		1	0			3	0				
08:45		0	0	1	1	1	0	4	1	5	2
09:00		0	0			4	0				
09:15		0	0			2	0				
09:30		1	0			2	0				
09:45		3	0	4	0	0	0	8	0	12	0
10:00		0	1			0	1				
10:15		1	0			1	0				
10:30		0	0			0	0				
10:45		1	0	2	1	0	0	1	1	3	2
11:00		2	0			0	0				
11:15		3	0			1	0				
11:30		5	0			2	0				
11:45		1	0	11	0	3	0	6	0	17	0
Total		20	30			23	35			43	65
Percent		40.0%	60.0%			39.7%	60.3%			39.8%	60.2%

TRAFFIC COUNT CONSULTANTS, INC.

Team@tc2inc.com
(425) 861-8866

Page 5

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	16-May-1 Mon	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	0			0	2				
12:15		0	5			1	8				
12:30		0	3			0	3				
12:45		0	0	0	8	0	2	1	15	1	23
01:00		0	2			0	2				
01:15		0	2			0	2				
01:30		0	5			0	2				
01:45		1	3	1	12	0	5	0	11	1	23
02:00		0	6			0	4				
02:15		0	5			0	0				
02:30		0	2			0	4				
02:45		0	5	0	18	0	6	0	14	0	32
03:00		0	2			0	4				
03:15		0	7			0	3				
03:30		0	12			0	1				
03:45		0	1	0	22	0	3	0	11	0	33
04:00		0	1			0	0				
04:15		0	2			0	1				
04:30		0	2			2	3				
04:45		1	4	1	9	0	1	2	5	3	14
05:00		0	3			0	1				
05:15		0	3			0	3				
05:30		0	3			0	0				
05:45		0	3	0	12	0	1	0	5	0	17
06:00		0	0			1	0				
06:15		0	2			5	1				
06:30		0	0			7	0				
06:45		0	1	0	3	9	1	22	2	22	5
07:00		0	0			1	0				
07:15		3	2			1	0				
07:30		0	1			2	2				
07:45		1	1	4	4	2	0	6	2	10	6
08:00		0	0			1	0				
08:15		0	0			1	0				
08:30		2	0			2	0				
08:45		2	0	4	0	5	0	9	0	13	0
09:00		0	0			3	0				
09:15		4	0			3	0				
09:30		1	0			4	0				
09:45		1	0	6	0	0	1	10	1	16	1
10:00		0	0			2	0				
10:15		1	0			2	0				
10:30		2	0			2	0				
10:45		2	0	5	0	5	0	11	0	16	0
11:00		3	0			6	0				
11:15		1	0			4	0				
11:30		1	0			1	0				
11:45		3	0	8	0	3	0	14	0	22	0
Total		29	88			75	66			104	154
Percent		24.8%	75.2%			53.2%	46.8%			40.3%	59.7%

TRAFFIC COUNT CONSULTANTS, INC.

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(425) 861-8866

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Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	17-May-1 Tue	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	3			0	5				
12:15		0	5			0	4				
12:30		0	4			0	4				
12:45		0	5	0	17	0	4	0	17	0	34
01:00		0	4			0	3				
01:15		0	4			0	6				
01:30		0	5			0	3				
01:45		0	5	0	18	0	7	0	19	0	37
02:00		0	4			0	3				
02:15		0	2			0	3				
02:30		0	5			0	3				
02:45		0	0	0	11	0	0	0	9	0	20
03:00		0	2			0	1				
03:15		0	2			0	3				
03:30		0	6			1	4				
03:45		0	4	0	14	0	3	1	11	1	25
04:00		0	3			0	5				
04:15		0	9			0	3				
04:30		0	8			1	0				
04:45		0	2	0	22	0	4	1	12	1	34
05:00		0	3			0	1				
05:15		0	6			1	1				
05:30		0	18			3	0				
05:45		1	8	1	35	4	5	8	7	9	42
06:00		0	5			0	1				
06:15		0	3			3	1				
06:30		1	3			12	1				
06:45		0	1	1	12	13	0	28	3	29	15
07:00		1	2			1	2				
07:15		4	3			7	0				
07:30		0	0			2	0				
07:45		4	0	9	5	3	0	13	2	22	7
08:00		0	1			9	0				
08:15		2	0			8	1				
08:30		1	0			4	0				
08:45		0	0	3	1	3	0	24	1	27	2
09:00		0	0			0	0				
09:15		3	1			2	0				
09:30		3	0			2	0				
09:45		1	0	7	1	5	0	9	0	16	1
10:00		2	0			3	0				
10:15		6	0			1	0				
10:30		1	0			3	0				
10:45		1	0	10	0	1	0	8	0	18	0
11:00		2	0			2	0				
11:15		1	0			3	0				
11:30		1	0			3	0				
11:45		8	0	12	0	5	0	13	0	25	0
Total		43	136			105	81			148	217
Percent		24.0%	76.0%			56.5%	43.5%			40.5%	59.5%

TRAFFIC COUNT CONSULTANTS, INC.

Team@tc2inc.com
(425) 861-8866

Page 7

Site Code: 01
Station ID:

KENT, WASHINGTON
U-HAUL DRIVEWAY E/O
FRONTAGE RD
LOC# 01 V

Latitude: -999' 0.000 South

Start Time	18-May-1 Wed	WB		Hour Totals		EB		Hour Totals		Combined Totals	
		Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon	Morning	Afternoon
12:00		0	6			0	6				
12:15		0	5			0	4				
12:30		0	3			0	1				
12:45		0	4	0	18	0	2	0	13	0	31
01:00		0	1			0	1				
01:15		0	1			0	0				
01:30		0	6			0	4				
01:45		0	3	0	11	0	5	0	10	0	21
02:00		0	4			0	2				
02:15		0	2			0	3				
02:30		0	2			0	2				
02:45		0	5	0	13	0	4	0	11	0	24
03:00		0	4			0	6				
03:15		0	7			0	3				
03:30		0	6			0	2				
03:45		0	3	0	20	1	2	1	13	1	33
04:00		0	2			0	3				
04:15		0	4			0	1				
04:30		0	7			0	1				
04:45		0	2	0	15	0	2	0	7	0	22
05:00		0	4			2	3				
05:15		0	8			1	4				
05:30		0	8			2	2				
05:45		0	5	0	25	2	1	7	10	7	35
06:00		0	1			2	1				
06:15		0	1			2	0				
06:30		0	0			8	0				
06:45		1	0	1	2	11	0	23	1	24	3
07:00		0	1			5	2				
07:15		1	1			1	1				
07:30		1	2			0	2				
07:45		3	3	5	7	4	1	10	6	15	13
08:00		2	0			2	0				
08:15		0	0			8	0				
08:30		2	0			1	0				
08:45		2	0	6	0	3	0	14	0	20	0
09:00		3	1			0	1				
09:15		4	0			6	0				
09:30		2	0			4	0				
09:45		3	0	12	1	1	0	11	1	23	2
10:00		1	0			6	0				
10:15		4	0			0	0				
10:30		6	0			4	0				
10:45		1	0	12	0	4	0	14	0	26	0
11:00		2	0			2	0				
11:15		1	0			3	0				
11:30		2	0			1	0				
11:45		1	0	6	0	7	0	13	0	19	0
Total		42	112			93	72			135	184
Percent		27.3%	72.7%			56.4%	43.6%			42.3%	57.7%
Grand Total		292	705			520	515			812	1220
Percent		29.3%	70.7%			50.2%	49.8%			40.0%	60.0%

ADT Not Calculated

APPENDIX B

DATA COLLECTION MAINTENANCE YARD COUNT

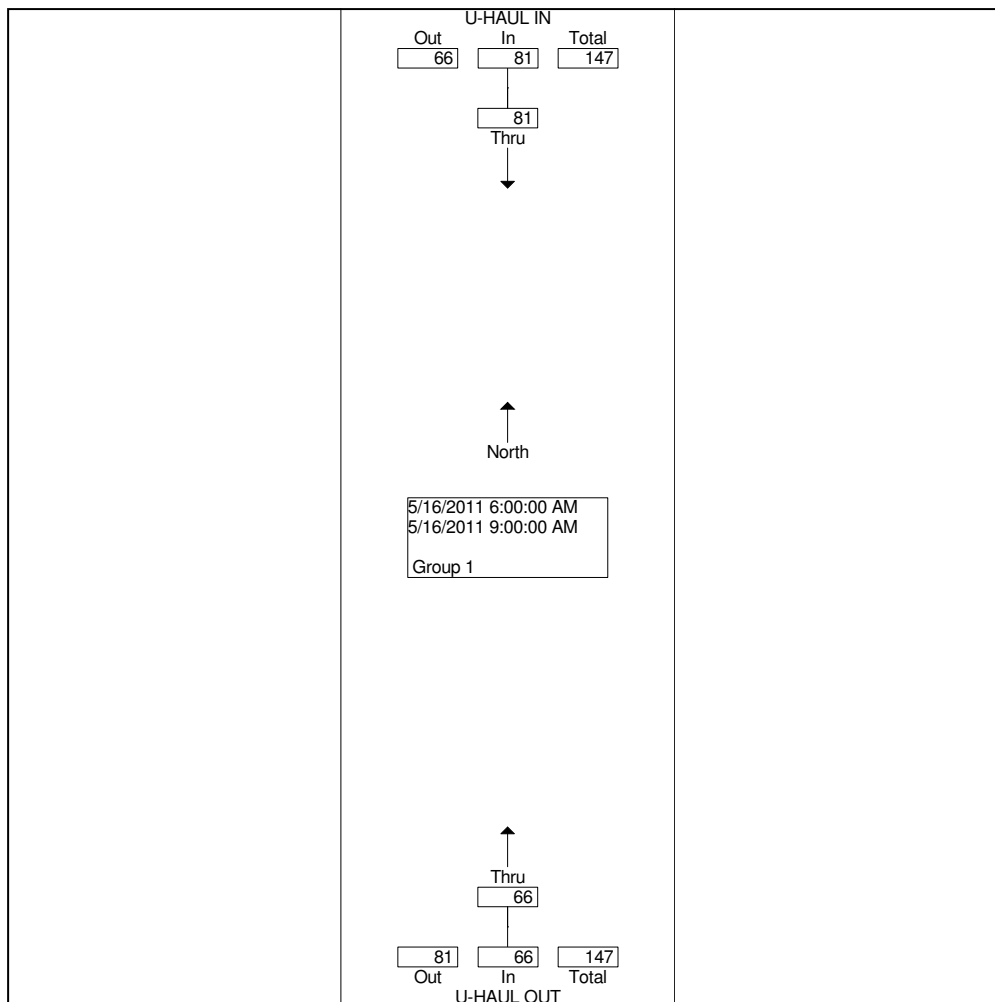
5/16/11 6AM TO 6PM

Heath & Associates, Inc.
2214 Tacoma Road
Puyallup, WA 98371

File Name : 3259a
Site Code : 00003259
Start Date : 05/16/2011
Page No : 1

Groups Printed- Group 1

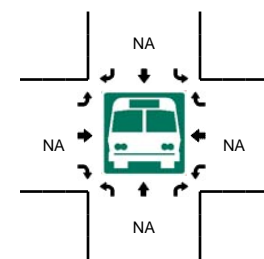
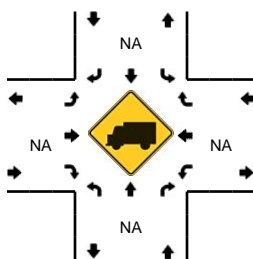
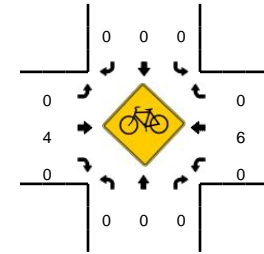
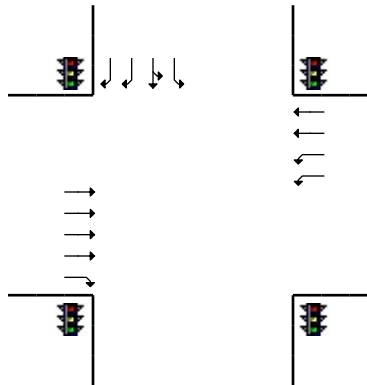
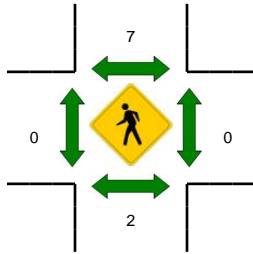
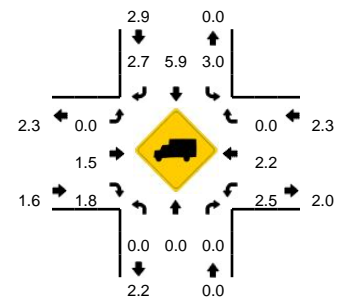
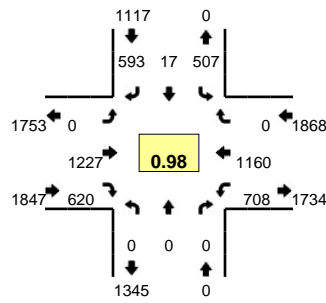
Start Time	U-HAUL IN Southbound			U-HAUL OUT Northbound			Int. Total
	Right	Thru	Left	Right	Thru	Left	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	
06:00 AM	0	15	0	0	0	0	15
07:00 AM	0	2	0	0	2	0	4
08:00 AM	0	3	0	0	2	0	5
09:00 AM	0	5	0	0	4	0	9
10:00 AM	0	3	0	0	2	0	5
11:00 AM	0	13	0	0	8	0	21
12:00 PM	0	11	0	0	5	0	16
01:00 PM	0	7	0	0	7	0	14
02:00 PM	0	8	0	0	7	0	15
03:00 PM	0	7	0	0	12	0	19
04:00 PM	0	3	0	0	8	0	11
05:00 PM	0	3	0	0	8	0	11
06:00 PM	0	1	0	0	1	0	2
Grand Total	0	81	0	0	66	0	147
Apprch %	0.0	100.0	0.0	0.0	100.0	0.0	
Total %	0.0	55.1	0.0	0.0	44.9	0.0	



LOCATION: I-5 SB Ramps -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218003
DATE: Tue, Sep 17 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 5:05 PM -- 5:20 PM

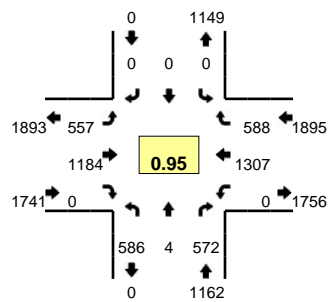


5-Min Count Period Beginning At	I-5 SB Ramps (Northbound)				I-5 SB Ramps (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	41	2	51	0	0	117	47	0	51	86	0	0	395	
4:05 PM	0	0	0	0	36	0	37	0	0	127	53	0	61	81	0	0	395	
4:10 PM	0	0	0	0	47	0	51	0	0	96	53	0	62	86	0	0	395	
4:15 PM	0	0	0	0	32	0	50	0	0	93	45	0	46	102	0	0	368	
4:20 PM	0	0	0	0	46	0	44	0	0	81	54	0	61	101	0	0	387	
4:25 PM	0	0	0	0	45	1	52	0	0	81	42	0	56	95	0	0	372	
4:30 PM	0	0	0	0	38	2	38	0	0	88	57	0	49	95	0	0	367	
4:35 PM	0	0	0	0	48	1	38	0	0	108	58	0	59	98	0	0	410	
4:40 PM	0	0	0	0	29	0	43	0	0	113	49	0	58	102	0	0	394	
4:45 PM	0	0	0	0	39	2	45	0	0	105	47	0	52	102	0	0	392	
4:50 PM	0	0	0	0	39	0	62	0	0	89	49	0	55	113	0	0	407	
4:55 PM	0	0	0	0	41	2	64	0	0	103	49	0	56	99	0	0	414	4696
5:00 PM	0	0	0	0	38	1	49	0	0	83	48	0	65	84	0	0	368	4669
5:05 PM	0	0	0	0	46	1	47	0	0	124	51	0	61	98	0	0	428	4702
5:10 PM	0	0	0	0	53	1	67	0	0	96	49	0	62	74	0	0	402	4709
5:15 PM	0	0	0	0	39	2	44	0	0	108	50	0	67	94	0	0	404	4745
5:20 PM	0	0	0	0	47	3	48	0	0	107	52	0	54	111	0	0	422	4780
5:25 PM	0	0	0	0	50	2	48	0	0	103	61	0	70	90	0	0	424	4832
5:30 PM	0	0	0	0	34	0	39	0	0	94	43	0	69	92	0	0	371	4836
5:35 PM	0	0	0	0	44	0	49	0	0	103	55	0	62	93	0	0	406	4832
5:40 PM	0	0	0	0	46	1	53	0	0	94	52	0	53	91	0	0	390	4828
5:45 PM	0	0	0	0	47	0	66	0	0	81	41	0	56	91	0	0	382	4818
5:50 PM	0	0	0	0	48	0	36	0	0	86	30	0	55	67	0	0	322	4733
5:55 PM	0	0	0	0	44	0	38	0	0	77	34	0	44	77	0	0	314	4633
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	552	16	632	0	0	1312	600	0	760	1064	0	0	4936	
Heavy Trucks	0	0	0	0	0	0	16	0	0	12	4	0	28	24	0	0	84	
Pedestrians	0	0	0	0	0	8	0	0	0	0	0	0	0	0	0	0	8	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	4	
Railroad																		
Stopped Buses																		

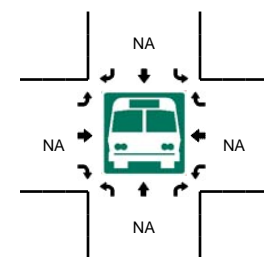
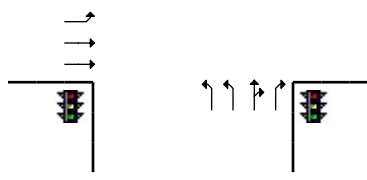
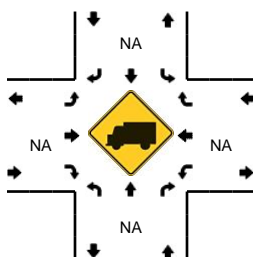
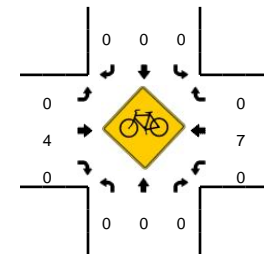
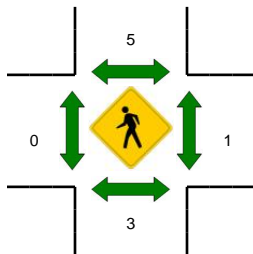
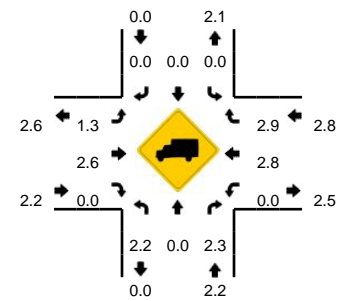
Comments:

LOCATION: I-5 NB Ramps -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218005
DATE: Tue, Sep 17 2013



Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 5:05 PM -- 5:20 PM

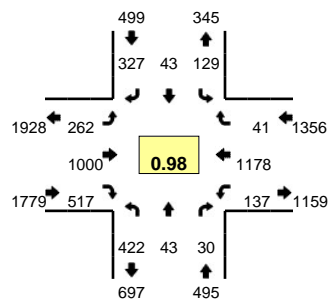


5-Min Count Period Beginning At	I-5 NB Ramps (Northbound)				I-5 NB Ramps (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	47	0	32	0	0	0	0	0	49	99	0	0	0	92	47	0	366	
4:05 PM	36	0	37	0	0	0	0	0	65	102	0	0	0	102	59	0	401	
4:10 PM	39	1	37	0	0	0	0	0	39	100	0	0	0	112	37	0	365	
4:15 PM	45	1	46	0	0	0	0	0	35	86	0	0	0	123	45	0	381	
4:20 PM	47	0	42	0	0	0	0	0	35	97	0	0	0	122	40	0	383	
4:25 PM	45	0	59	0	0	0	0	0	35	90	0	0	0	87	44	0	360	
4:30 PM	52	0	32	0	0	0	0	0	30	94	0	0	0	90	49	0	347	4635 4641
4:35 PM	49	0	52	0	0	0	0	0	58	105	0	0	0	107	56	0	427	
4:40 PM	55	3	52	0	0	0	0	0	50	95	0	0	0	113	62	0	430	
4:45 PM	55	1	34	0	0	0	0	0	45	104	0	0	0	114	37	0	390	
4:50 PM	59	0	53	0	0	0	0	0	33	93	0	0	0	118	40	0	396	
4:55 PM	55	0	63	0	0	0	0	0	46	94	0	0	0	87	44	0	389	
5:00 PM	41	0	50	0	0	0	0	0	34	82	0	0	0	113	52	0	372	
5:05 PM	43	0	47	0	0	0	0	0	66	98	0	0	0	106	54	0	414	
5:10 PM	31	0	51	0	0	0	0	0	51	111	0	0	0	105	57	0	406	
5:15 PM	54	0	60	0	0	0	0	0	52	91	0	0	0	134	58	0	449	
5:20 PM	46	0	41	0	0	0	0	0	46	108	0	0	0	114	31	0	386	4766
5:25 PM	46	0	37	0	0	0	0	0	46	109	0	0	0	106	48	0	392	4798
5:30 PM	41	0	51	0	0	0	0	0	37	85	0	0	0	108	46	0	368	4819
5:35 PM	52	0	48	0	0	0	0	0	42	102	0	0	0	96	54	0	394	4786
5:40 PM	44	1	49	0	0	0	0	0	54	94	0	0	0	99	42	0	383	4739
5:45 PM	42	0	49	0	0	0	0	0	43	82	0	0	0	103	44	0	363	4712
5:50 PM	31	0	38	0	0	0	0	0	36	104	0	0	0	82	42	0	333	4649
5:55 PM	47	0	39	0	0	0	0	0	38	84	0	0	0	82	50	0	340	4600
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	512	0	632	0	0	0	0	0	676	1200	0	0	0	1380	676	0	5076	
Heavy Trucks	12	0	16		0	0	0		4	12	0		0	48	12		104	
Pedestrians		0				4				0				0			4	
Bicycles	0	0	0		0	0	0		0	0	0		0	6	0		6	
Railroad																		
Stopped Buses																		

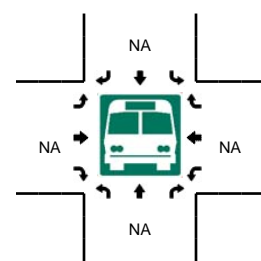
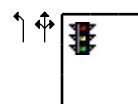
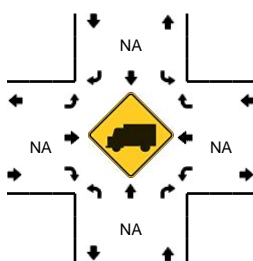
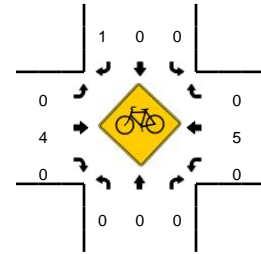
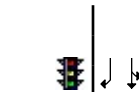
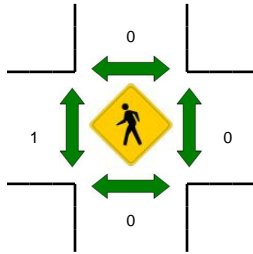
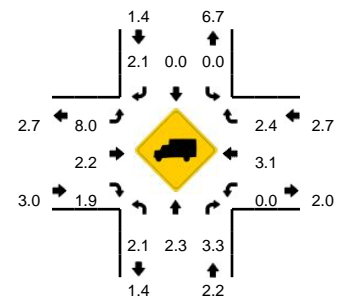
Comments:

LOCATION: SW 65th Ave -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218007
DATE: Tue, Sep 17 2013



Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 5:05 PM -- 5:20 PM

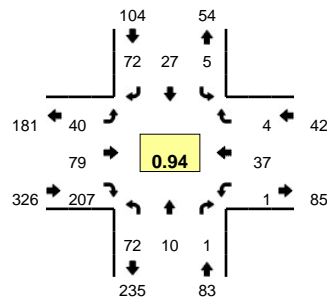


5-Min Count Period Beginning At	SW 65th Ave (Northbound)				SW 65th Ave (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	40	2	3	0	14	4	22	0	25	55	41	0	11	79	5	0	301	
4:05 PM	30	5	2	0	8	3	20	0	27	91	33	0	16	133	2	0	370	
4:10 PM	29	4	6	0	13	4	28	0	20	63	45	0	13	92	0	0	317	
4:15 PM	29	2	2	0	17	5	20	0	11	86	37	0	6	104	3	0	322	
4:20 PM	41	3	2	0	6	1	32	0	30	86	40	0	7	95	3	0	346	
4:25 PM	38	1	0	0	4	4	19	0	31	77	43	0	8	71	2	0	298	
4:30 PM	37	2	1	0	13	1	24	0	29	70	32	0	11	103	6	0	329	
4:35 PM	34	2	3	0	9	3	30	0	23	81	42	0	8	94	4	0	333	
4:40 PM	58	4	2	0	4	4	38	0	38	78	30	0	19	69	3	0	347	
4:45 PM	24	12	1	0	17	3	23	0	21	94	41	0	6	105	4	0	351	
4:50 PM	29	4	2	0	7	1	33	0	28	92	37	0	14	102	6	0	355	
4:55 PM	39	2	7	0	5	2	23	0	21	68	42	0	14	64	6	0	293	3962
5:00 PM	25	2	0	0	16	10	34	0	14	95	53	0	5	116	2	0	372	4033
5:05 PM	50	8	5	0	11	5	29	0	12	56	42	0	13	82	2	0	315	3978
5:10 PM	29	0	5	0	14	6	29	0	19	103	53	0	11	148	2	0	419	4080
5:15 PM	35	5	2	0	4	2	18	0	18	81	52	0	13	93	1	0	324	4082
5:20 PM	31	2	2	0	18	4	25	0	23	75	48	1	11	93	2	0	335	4071
5:25 PM	31	0	0	0	11	2	21	0	15	107	45	0	12	109	3	0	356	4129
5:30 PM	59	4	1	0	9	1	12	0	14	55	47	0	11	64	2	0	279	4079
5:35 PM	31	0	1	0	10	5	19	0	16	105	44	0	14	119	13	0	377	4123
5:40 PM	38	1	5	0	11	2	15	0	12	75	48	0	7	77	5	0	296	4072
5:45 PM	39	4	3	0	11	1	26	0	13	77	41	0	3	67	3	1	289	4010
5:50 PM	25	7	2	0	3	2	17	0	29	91	39	0	14	71	7	0	307	3962
5:55 PM	30	5	3	0	8	7	15	0	10	82	37	0	8	73	4	0	282	3951
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	456	52	48	0	116	52	304	0	196	960	588	0	148	1292	20	0	4232	
Heavy Trucks	12	4	0	0	0	0	8	0	12	12	12	0	0	40	0	0	100	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	1	0	0	0	0	0	0	3	0	0	4	
Railroad																		
Stopped Buses																		

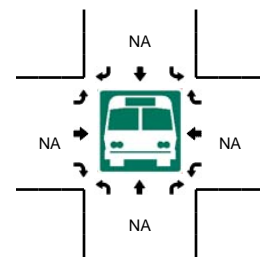
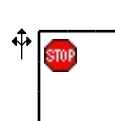
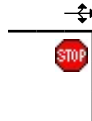
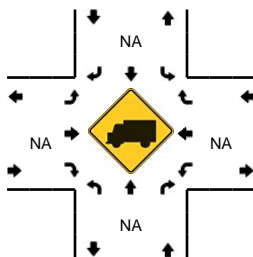
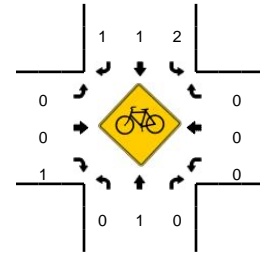
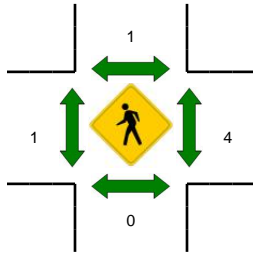
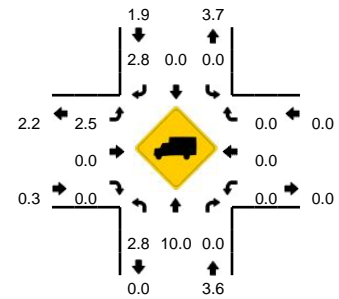
Comments:

LOCATION: SW 65th Ave -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218001
DATE: Tue, Sep 17 2013



Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 5:05 PM -- 5:20 PM



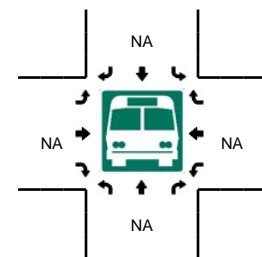
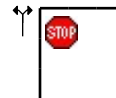
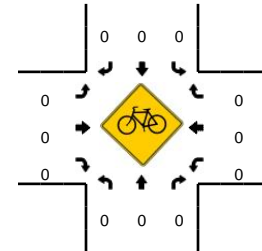
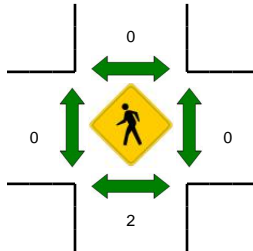
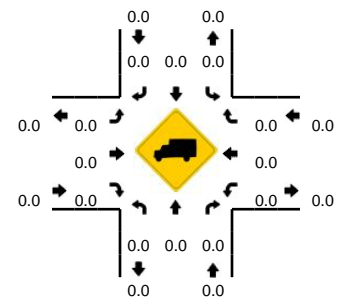
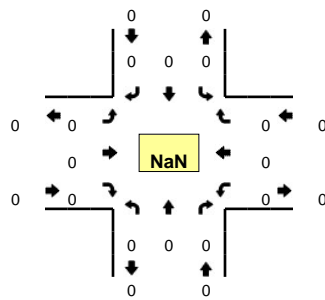
5-Min Count Period Beginning At	SW 65th Ave (Northbound)				SW 65th Ave (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	8	1	0	0	0	0	6	0	3	5	7	0	0	2	0	0	32	
4:05 PM	9	2	0	0	0	1	5	0	4	5	20	0	0	8	0	0	54	
4:10 PM	5	2	1	0	0	2	4	0	3	7	8	0	0	3	0	0	35	
4:15 PM	8	1	0	0	0	0	1	0	4	7	12	0	0	6	1	0	40	
4:20 PM	6	0	0	0	0	0	7	0	3	8	8	0	0	5	0	0	37	
4:25 PM	10	0	0	0	0	2	5	0	4	6	14	0	0	3	1	0	45	
4:30 PM	2	0	0	0	1	3	7	0	2	5	16	0	0	2	0	0	38	
4:35 PM	7	1	0	0	0	1	6	0	5	5	9	0	1	1	0	0	36	
4:40 PM	5	0	0	0	1	0	5	0	3	5	16	0	0	5	0	0	40	
4:45 PM	8	0	0	0	0	2	4	0	4	5	19	0	0	4	0	0	46	
4:50 PM	8	3	0	0	0	0	1	0	1	3	11	0	0	3	1	0	31	
4:55 PM	8	2	0	0	0	2	5	0	4	9	17	0	0	6	2	0	55	489
5:00 PM	4	0	0	0	1	1	13	0	5	11	21	0	0	5	0	0	61	518
5:05 PM	7	2	0	0	0	9	5	0	2	11	18	0	0	0	0	0	54	518
5:10 PM	8	0	0	0	1	1	2	0	3	9	18	0	0	1	1	0	44	527
5:15 PM	3	0	0	0	1	1	8	0	7	3	24	0	0	2	0	0	49	536
5:20 PM	7	1	0	0	0	3	10	0	1	7	19	0	0	4	0	0	52	551
5:25 PM	5	1	1	0	0	4	6	0	3	6	19	0	0	4	0	0	49	555
5:30 PM	3	2	0	0	1	0	4	0	3	8	11	0	0	4	0	0	36	553
5:35 PM	6	0	0	0	2	1	8	0	3	8	13	0	0	5	0	0	46	563
5:40 PM	10	2	0	0	0	1	3	0	3	7	12	0	0	3	1	0	42	565
5:45 PM	7	2	0	0	0	2	3	0	1	8	10	0	0	2	0	0	35	554
5:50 PM	6	2	0	0	0	0	2	0	4	11	8	0	0	6	0	0	39	562
5:55 PM	9	1	1	0	0	0	7	0	3	9	12	0	0	1	0	0	43	550
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	72	8	0	0	8	44	60	0	48	92	240	0	0	12	4	0	588	
Heavy Trucks	8	0	0	0	0	0	8	0	0	0	0	0	0	0	0	0	16	
Pedestrians	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: NW Natural Loading Area -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218015
DATE: Tue, Sep 17 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:30 PM -- 4:45 PM



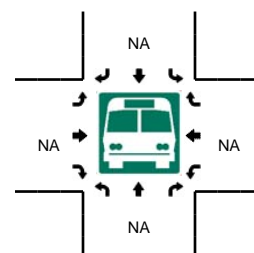
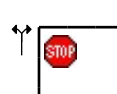
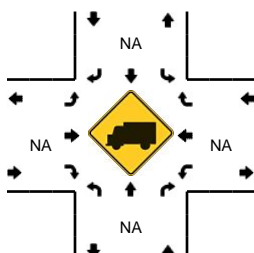
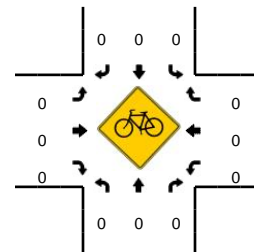
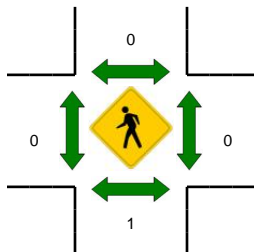
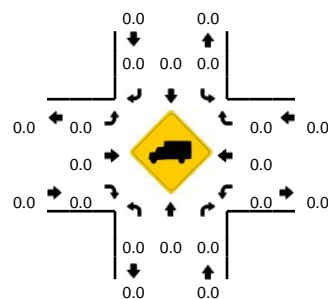
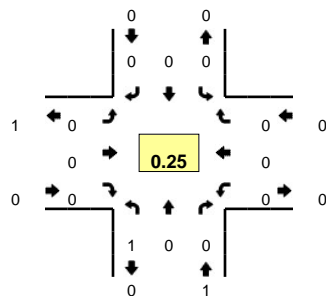
5-Min Count Period Beginning At	NW Natural Loading Area (Northbound)				NW Natural Loading Area (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	
4:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:15 PM	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	2	
4:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
5:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
5:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	2
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: E NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218009
DATE: Tue, Sep 17 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:45 PM -- 5:00 PM

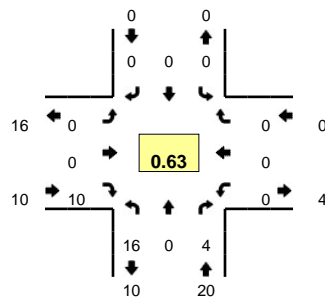


5-Min Count Period Beginning At	E NW Natural Dwy (Northbound)				E NW Natural Dwy (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:55 PM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

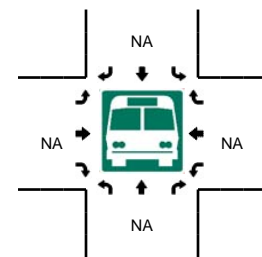
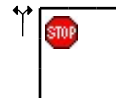
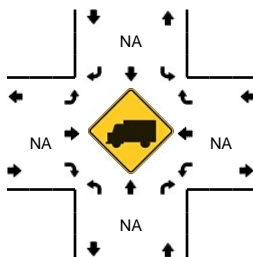
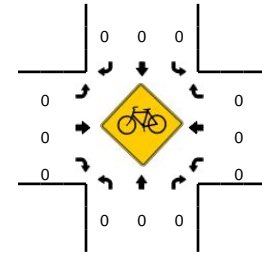
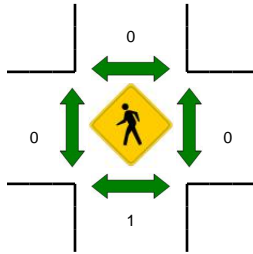
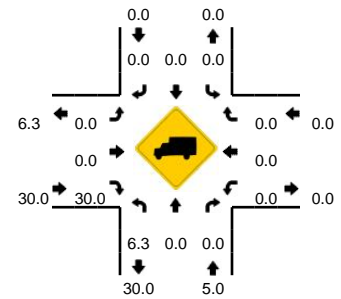
Comments:

LOCATION: Mid NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218011
DATE: Tue, Sep 17 2013



Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:35 PM -- 4:50 PM

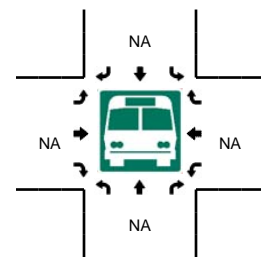
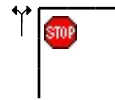
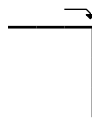
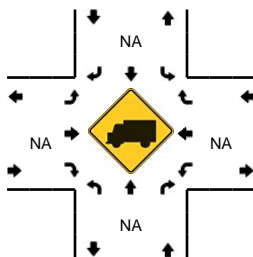
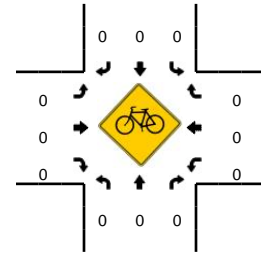
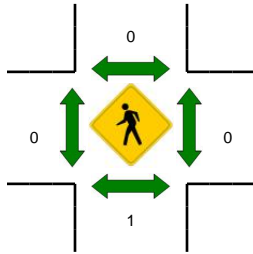
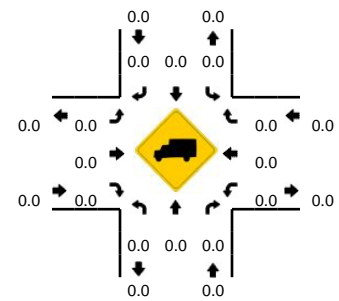
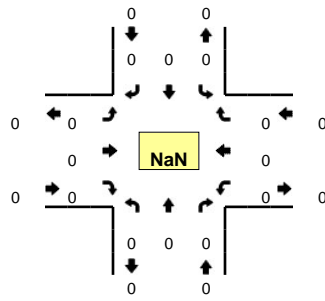
[illegible]

Comments:

LOCATION: W NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218013
DATE: Tue, Sep 17 2013

Peak-Hour: 4:30 PM -- 5:30 PM
Peak 15-Min: 4:30 PM -- 4:45 PM



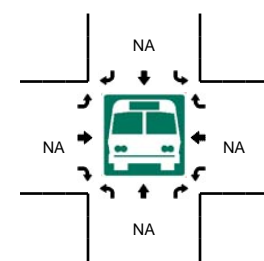
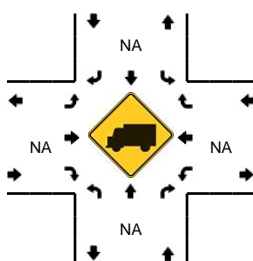
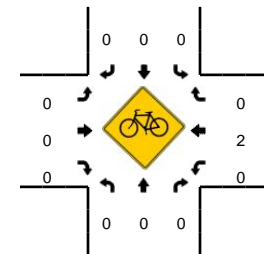
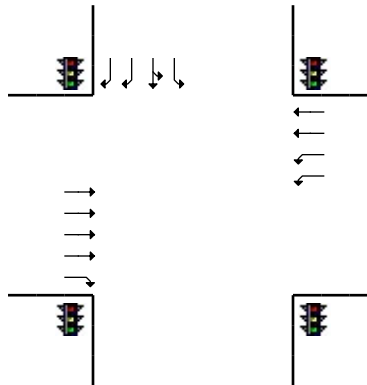
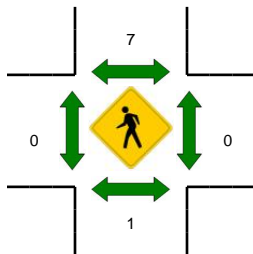
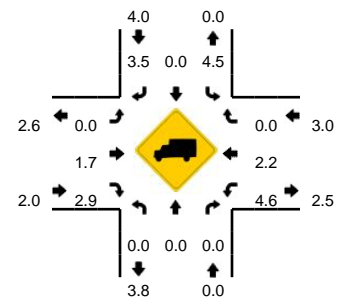
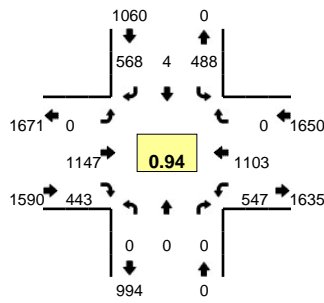
5-Min Count Period Beginning At	W NW Natural Dwy (Northbound)				W NW Natural Dwy (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments:

LOCATION: I-5 SB Ramps -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218004
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:00 PM -- 12:15 PM



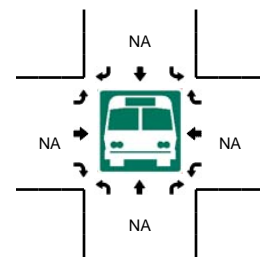
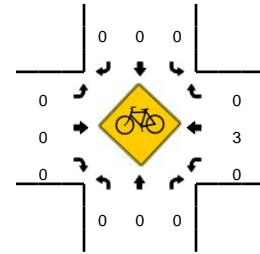
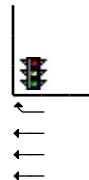
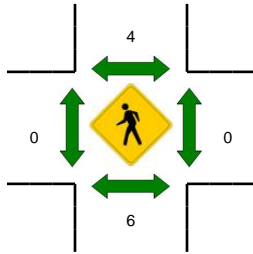
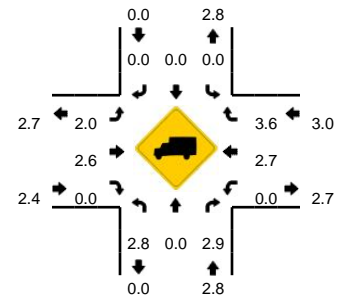
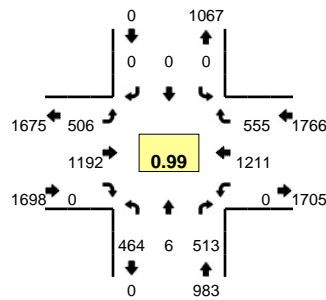
5-Min Count Period Beginning At	I-5 SB Ramps (Northbound)				I-5 SB Ramps (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	0	0	0	0	32	0	34	0	0	90	36	0	34	60	0	0	286	
11:05 AM	0	0	0	0	27	2	40	0	0	72	33	0	32	78	0	0	284	
11:10 AM	0	0	0	0	44	0	53	0	0	66	39	0	44	82	0	0	328	
11:15 AM	0	0	0	0	42	1	47	0	0	70	42	0	41	79	0	0	322	
11:20 AM	0	0	0	0	41	0	40	0	0	67	33	0	51	92	0	0	324	
11:25 AM	0	0	0	0	37	0	49	0	0	65	37	0	39	82	0	0	309	
11:30 AM	0	0	0	0	33	0	51	0	0	66	33	0	36	88	0	0	307	
11:35 AM	0	0	0	0	46	0	49	0	0	84	38	0	40	72	0	0	329	
11:40 AM	0	0	0	0	49	0	47	0	0	87	39	0	40	99	0	0	361	
11:45 AM	0	0	0	0	43	0	78	0	0	75	35	0	51	96	0	0	378	
11:50 AM	0	0	0	0	41	0	58	0	0	87	39	0	34	92	0	0	351	
11:55 AM	0	0	0	0	32	0	58	0	0	67	34	0	57	103	0	0	351	3930
12:00 PM	0	0	0	0	31	0	47	0	0	96	30	0	50	106	0	0	360	4004
12:05 PM	0	0	0	0	43	2	47	0	0	123	40	0	50	84	0	0	389	4109
12:10 PM	0	0	0	0	28	0	46	0	0	119	52	0	51	93	0	0	389	4170
12:15 PM	0	0	0	0	55	0	47	0	0	91	37	0	45	88	0	0	363	4211
12:20 PM	0	0	0	0	46	0	41	0	0	108	33	0	35	84	0	0	347	4234
12:25 PM	0	0	0	0	38	1	40	0	0	87	33	0	36	93	0	0	328	4253
12:30 PM	0	0	0	0	38	1	39	0	0	85	41	0	48	89	0	0	341	4287
12:35 PM	0	0	0	0	41	0	47	0	0	78	29	0	44	96	0	0	335	4293
12:40 PM	0	0	0	0	52	0	64	0	0	88	34	0	43	101	0	0	382	4314
12:45 PM	0	0	0	0	44	0	57	0	0	93	34	0	37	94	0	0	359	4295
12:50 PM	0	0	0	0	35	0	51	0	0	88	38	0	53	81	0	0	346	4290
12:55 PM	0	0	0	0	37	0	42	0	0	91	42	0	55	94	0	0	361	4300
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	408	8	560	0	0	1352	488	0	604	1132	0	0	4552	
Heavy Trucks	0	0	0	0	16	0	20	0	0	20	16	0	16	16	0	0	104	
Pedestrians	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	4	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: I-5 NB Ramps -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218006
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:00 PM -- 12:15 PM



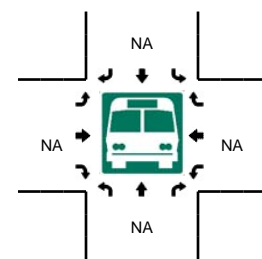
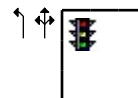
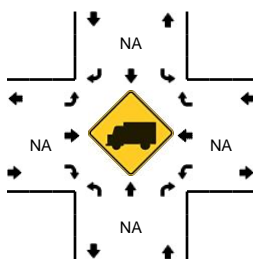
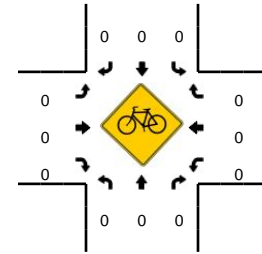
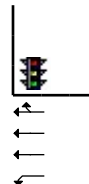
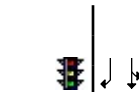
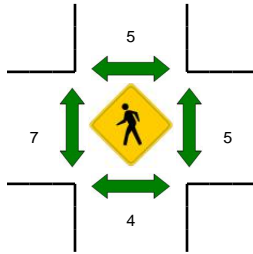
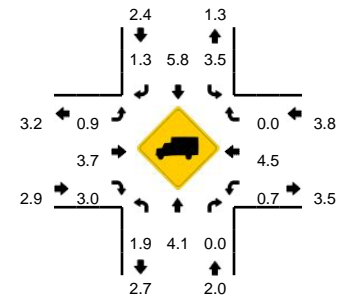
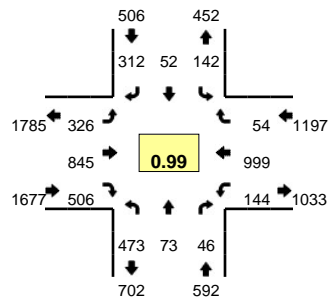
5-Min Count Period Beginning At	I-5 NB Ramps (Northbound)				I-5 NB Ramps (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	33	2	29	0	0	0	0	0	37	79	0	0	0	59	38	0	277	
11:05 AM	33	0	47	0	0	0	0	0	37	72	0	0	0	78	27	0	294	
11:10 AM	38	0	42	0	0	0	0	0	33	93	0	0	0	86	48	0	340	
11:15 AM	42	0	42	0	0	0	0	0	34	82	0	0	0	96	42	0	338	
11:20 AM	39	0	32	0	0	0	0	0	26	92	0	0	0	101	36	0	326	
11:25 AM	47	0	47	0	0	0	0	0	28	75	0	0	0	57	42	0	296	
11:30 AM	37	0	46	0	0	0	0	0	30	59	0	0	0	84	51	0	307	
11:35 AM	31	0	42	0	0	0	0	0	46	82	0	0	0	79	54	0	334	
11:40 AM	52	0	49	0	0	0	0	0	46	106	0	0	0	82	37	0	372	
11:45 AM	52	0	52	0	0	0	0	0	35	87	0	0	0	106	39	0	371	
11:50 AM	41	0	37	0	0	0	0	0	40	90	0	0	0	98	52	0	358	
11:55 AM	44	2	55	0	0	0	0	0	34	67	0	0	0	97	40	0	339	3952
12:00 PM	41	1	53	0	0	0	0	0	36	85	0	0	0	107	55	0	378	4053
12:05 PM	41	1	31	0	0	0	0	0	44	114	0	0	0	95	45	0	371	4130
12:10 PM	40	0	38	0	0	0	0	0	45	108	0	0	0	104	40	0	375	4165
12:15 PM	32	1	44	0	0	0	0	0	41	105	0	0	0	113	30	0	366	4193
12:20 PM	40	0	32	0	0	0	0	0	54	104	0	0	0	78	46	0	354	4221
12:25 PM	44	0	46	0	0	0	0	0	38	102	0	0	0	89	52	0	371	4296
12:30 PM	34	1	49	0	0	0	0	0	37	89	0	0	0	103	40	0	353	4342
12:35 PM	46	0	45	0	0	0	0	0	33	91	0	0	0	101	48	0	364	4372
12:40 PM	36	1	46	0	0	0	0	0	48	107	0	0	0	100	47	0	385	4385
12:45 PM	38	0	38	0	0	0	0	0	37	107	0	0	0	114	47	0	381	4395
12:50 PM	31	1	43	0	0	0	0	0	46	97	0	0	0	103	53	0	374	4411
12:55 PM	41	0	48	0	0	0	0	0	47	83	0	0	0	104	52	0	375	4447
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	488	8	488	0	0	0	0	0	500	1228	0	0	0	1224	560	0	4496	
Heavy Trucks	16	0	20	0	0	0	0	0	8	28	0	0	0	16	20	0	108	
Pedestrians	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	4	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: SW 65th Ave -- Lower Boones Ferry Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218008
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:00 PM -- 12:15 PM

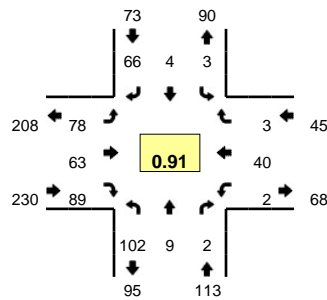


5-Min Count Period Beginning At	SW 65th Ave (Northbound)				SW 65th Ave (Southbound)				Lower Boones Ferry Rd (Eastbound)				Lower Boones Ferry Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	25	5	3	0	2	2	12	0	17	52	39	1	11	62	2	0	233	
11:05 AM	32	3	4	0	1	2	11	0	23	68	24	0	8	64	0	0	240	
11:10 AM	37	2	5	0	3	2	30	0	19	80	31	0	7	72	5	0	293	
11:15 AM	27	3	3	0	9	2	8	0	24	78	26	0	4	92	2	0	278	
11:20 AM	40	5	3	0	4	2	15	0	18	73	34	0	9	79	8	0	290	
11:25 AM	19	8	6	0	5	4	17	0	25	59	39	1	13	77	4	0	277	
11:30 AM	41	2	3	0	12	1	22	0	16	64	31	0	14	69	4	0	279	
11:35 AM	39	7	3	0	9	3	21	0	9	49	25	0	9	69	4	0	247	
11:40 AM	31	1	5	0	6	4	16	0	39	98	40	1	9	88	6	0	344	
11:45 AM	40	8	5	0	9	3	21	0	21	51	42	1	16	51	1	0	269	
11:50 AM	24	9	3	0	4	5	30	0	29	72	40	1	11	100	7	0	335	
11:55 AM	53	3	5	0	8	3	21	0	24	52	39	0	13	67	5	0	293	3378
12:00 PM	49	5	1	0	7	4	31	0	34	63	35	0	20	76	4	0	329	3474
12:05 PM	28	5	3	0	10	3	24	0	31	78	47	0	15	110	9	0	363	3597
12:10 PM	49	10	4	0	12	2	28	0	21	58	43	0	7	70	5	0	309	3613
12:15 PM	22	5	4	0	12	7	23	0	40	77	56	1	13	73	6	0	339	3674
12:20 PM	33	5	2	0	20	6	25	0	15	65	33	0	7	66	1	0	278	3662
12:25 PM	62	4	7	0	13	4	18	0	24	76	42	0	9	78	3	0	340	3725
12:30 PM	36	4	5	0	9	2	25	0	33	53	43	0	14	67	3	0	294	3740
12:35 PM	27	2	3	0	7	4	37	0	29	100	33	0	13	113	3	0	371	3864
12:40 PM	39	8	4	0	14	1	26	0	21	66	46	0	7	80	4	0	316	3836
12:45 PM	41	7	4	0	11	7	28	0	36	75	40	0	13	81	6	0	349	3916
12:50 PM	30	6	5	0	13	6	24	0	22	84	39	0	13	105	7	0	354	3935
12:55 PM	57	12	4	0	14	6	23	0	19	50	49	0	13	80	3	0	330	3972
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	504	80	32	0	116	36	332	0	344	796	500	0	168	1024	72	0	4004	
Heavy Trucks	16	12	0		12	4	4		4	24	16		4	28	0		124	
Pedestrians	0	0	0		0	0	0		0	0	0		0	0	0		0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Railroad																		
Stopped Buses																		

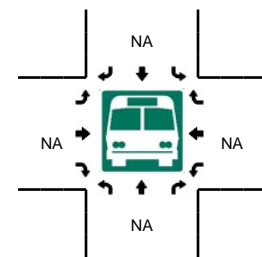
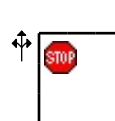
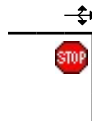
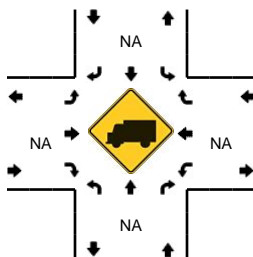
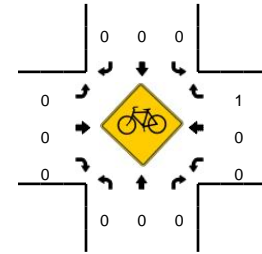
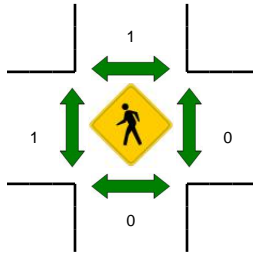
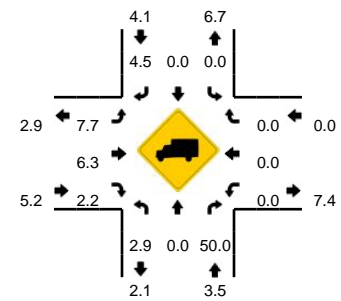
Comments:

LOCATION: SW 65th Ave -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218002
DATE: Tue, Sep 17 2013



Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:00 PM -- 12:15 PM

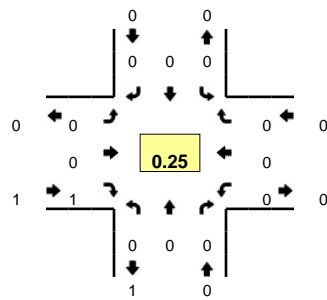


5-Min Count Period Beginning At	SW 65th Ave (Northbound)				SW 65th Ave (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	7	0	0	0	0	1	2	0	3	6	4	0	0	1	0	0	24	
11:05 AM	9	1	0	0	0	2	4	0	3	6	7	0	0	5	1	0	38	
11:10 AM	3	1	0	0	1	0	4	0	2	3	7	0	0	7	0	0	28	
11:15 AM	11	2	0	0	0	0	4	0	3	1	5	0	0	0	0	0	26	
11:20 AM	6	0	0	0	0	0	6	0	1	4	11	0	0	4	0	0	32	
11:25 AM	7	2	0	0	1	1	5	0	2	3	5	0	0	6	0	0	32	
11:30 AM	9	0	1	0	0	2	4	0	2	3	6	0	0	4	0	0	31	
11:35 AM	11	1	0	0	1	3	8	0	6	2	7	0	0	7	1	0	47	
11:40 AM	8	0	0	0	1	1	8	0	5	5	10	0	0	3	0	0	41	
11:45 AM	14	1	0	0	0	0	9	0	7	3	7	0	0	5	0	0	46	
11:50 AM	6	3	0	0	0	1	6	0	9	7	6	0	0	5	0	0	43	
11:55 AM	8	2	0	0	0	2	5	0	6	3	11	0	0	7	0	0	44	432
12:00 PM	7	0	0	0	1	0	11	0	6	6	9	0	0	3	0	0	43	451
12:05 PM	9	1	1	0	0	1	9	0	9	2	6	0	0	1	0	0	39	452
12:10 PM	8	1	0	0	0	0	9	0	4	6	11	0	2	3	1	0	45	469
12:15 PM	7	2	0	0	1	0	2	0	6	3	5	0	0	3	0	0	29	472
12:20 PM	12	0	1	0	0	1	4	0	4	8	11	0	0	3	0	0	44	484
12:25 PM	8	2	0	0	0	0	9	0	10	2	3	0	0	4	0	0	38	490
12:30 PM	7	1	0	0	1	0	4	0	12	5	6	0	0	3	1	0	40	499
12:35 PM	10	0	0	0	0	1	0	0	5	7	6	0	0	3	0	0	32	484
12:40 PM	5	0	0	0	0	0	3	0	5	2	5	0	0	3	0	0	23	466
12:45 PM	6	0	0	0	0	1	3	0	3	6	10	0	0	6	0	0	35	455
12:50 PM	13	2	0	0	0	0	3	0	9	6	7	0	0	5	1	0	46	458
12:55 PM	10	0	0	0	0	0	9	0	5	10	10	0	0	3	0	0	47	461
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
All Vehicles	96	8	4	0	4	4	116	0	76	56	104	0	8	28	4	0	508	
Heavy Trucks	4	0	0	0	0	0	4	0	8	4	4	0	0	0	0	0	24	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

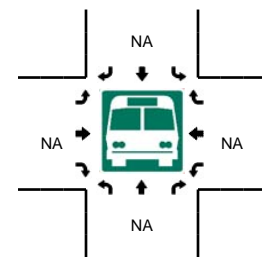
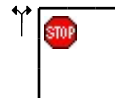
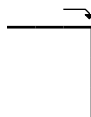
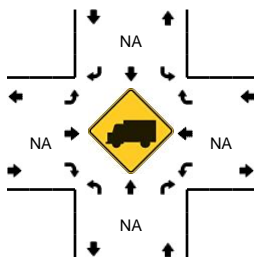
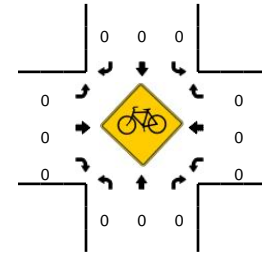
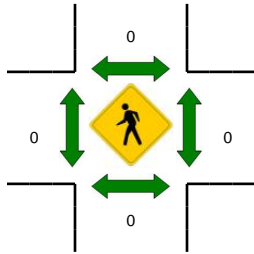
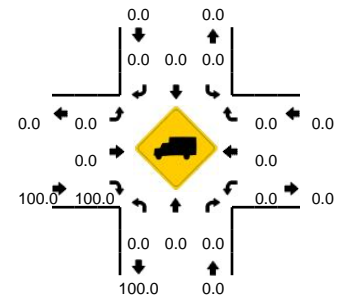
Comments:

LOCATION: NW Natural Loading Area -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218016
DATE: Tue, Sep 17 2013



Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:45 PM -- 1:00 PM



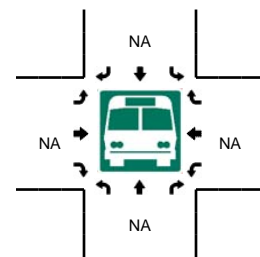
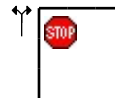
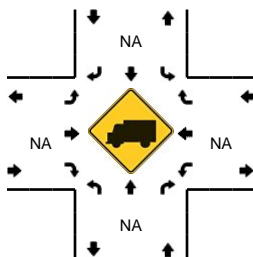
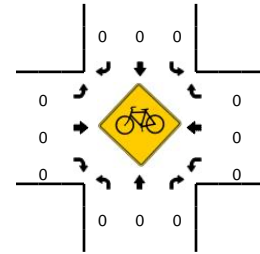
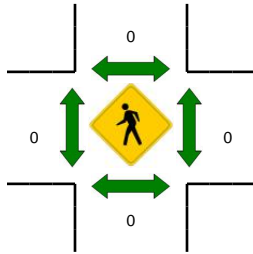
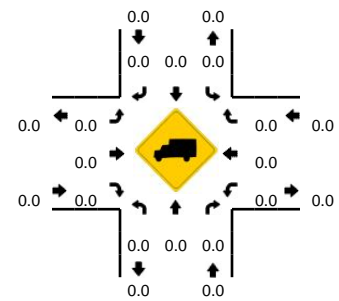
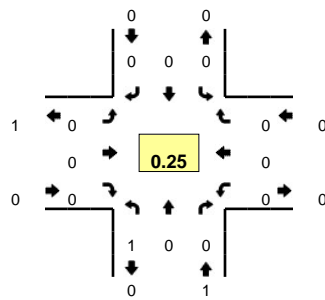
5-Min Count Period Beginning At	NW Natural Loading Area (Northbound)				NW Natural Loading Area (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	
11:05 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:10 AM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:20 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:25 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:35 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:40 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:50 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:55 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
12:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
12:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
12:55 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	1	
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	4		
Heavy Trucks	0	0	0		0	0	0		0	0	4		0	0	0		4		
Pedestrians		0				0				0				0			0		
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0		
Railroad																			
Stopped Buses																			

Comments:

LOCATION: E NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218010
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:10 PM -- 12:25 PM



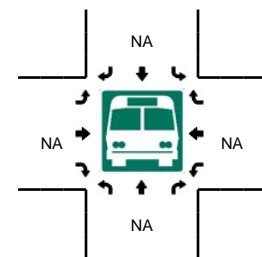
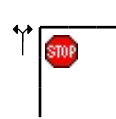
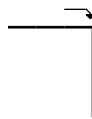
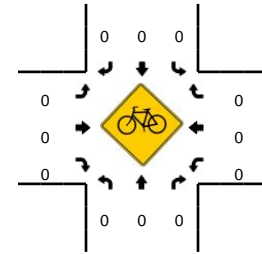
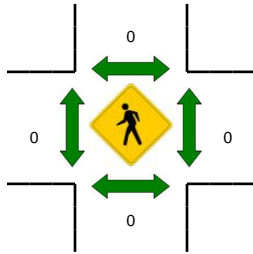
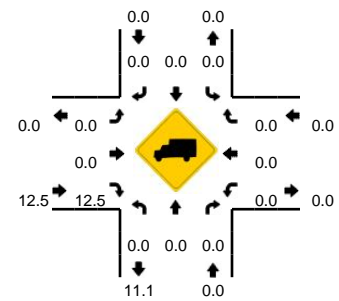
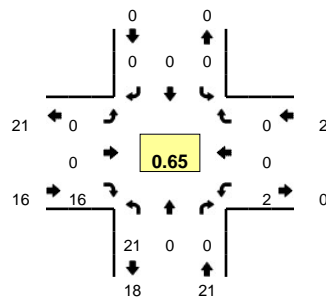
5-Min Count Period Beginning At	E NW Natural Dwy (Northbound)				E NW Natural Dwy (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:05 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:10 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:20 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:25 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:30 AM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
11:35 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	
11:40 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:50 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:55 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:20 PM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	4
12:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
12:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
12:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: Mid NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218012
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:15 PM -- 12:30 PM



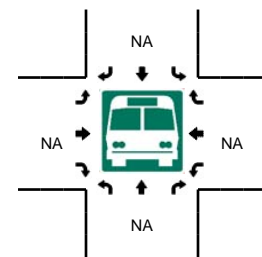
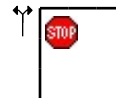
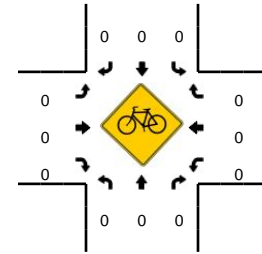
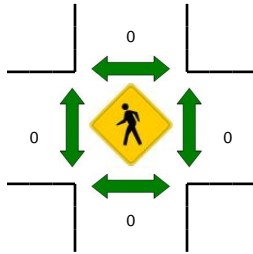
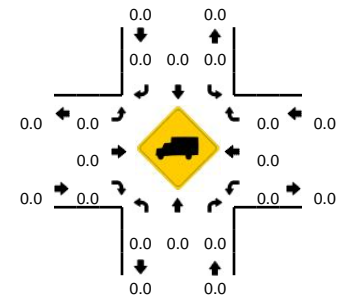
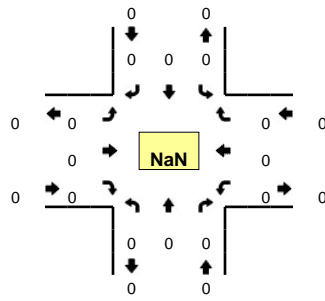
5-Min Count Period Beginning At	Mid NW Natural Dwy (Northbound)				Mid NW Natural Dwy (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	4	
11:05 AM	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	
11:10 AM	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	
11:15 AM	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
11:20 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:25 AM	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3	
11:30 AM	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
11:35 AM	2	0	0	0	0	0	0	0	0	0	3	0	1	0	0	0	6	
11:40 AM	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:50 AM	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
11:55 AM	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	29
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25
12:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	24
12:10 PM	4	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	6	27
12:15 PM	2	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	5	29
12:20 PM	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	2	31
12:25 PM	6	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	8	36
12:30 PM	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	3	37
12:35 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	32
12:40 PM	5	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	7	36
12:45 PM	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2	38
12:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	36
12:55 PM	1	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	4	39
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	32	0	0	0	0	0	0	0	0	0	24	0	4	0	0	0	60	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: W NW Natural Dwy -- SW McEwan Rd
CITY/STATE: Tualatin, OR

QC JOB #: 11218014
DATE: Tue, Sep 17 2013

Peak-Hour: 12:00 PM -- 1:00 PM
Peak 15-Min: 12:00 PM -- 12:15 PM



5-Min Count Period Beginning At	W NW Natural Dwy (Northbound)				W NW Natural Dwy (Southbound)				SW McEwan Rd (Eastbound)				SW McEwan Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:05 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:10 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:20 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:25 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:35 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:40 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:50 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11:55 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:05 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:10 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:20 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:25 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:35 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:40 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:50 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:55 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Heavy Trucks	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

Title Commitment Legal

PARCEL 1: LOT 33, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON BY DEED RECORDED FEBRUARY 18, 1941, IN BOOK 196, PAGE 309, DEED RECORDS. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 13, 1973, IN BOOK 919, PAGE 45, DEED RECORDS. ALSO EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT AN IRON PIPE WHICH BEARS NORTH 38° 35' WEST 12.80 FEET FROM THE MOST EASTERLY SOUTHEAST CORNER OF LOT 33, TUALATIN VALLEY HOMES, SAID IRON PIPE ALSO BEING IN THE SOUTHWESTERLY RIGHT OF WAY OF HAZEL FERN ROAD; THENCE SOUTH 51° 25' WEST, PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 33, A DISTANCE OF 150.00 FEET TO AN IRON PIPE; THENCE SOUTH 38° 35' EAST 12.80 FEET TO A POINT ON SAID SOUTHEASTERLY LINE; THENCE NORTH 51° 25' EAST ALONG SAID SOUTHEASTERLY LINE 150.00 FEET TO THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT 33 AND A POINT IN SAID RIGHT OF WAY HAZEL FERN ROAD, THENCE NORTH 38° 35' WEST 12.80 FEET ALONG SAID RIGHT OF WAY TO AN IRON PIPE AND THE POINT OF BEGINNING. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 94-021176.

PARCEL 2: LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. TOGETHER WITH THAT PORTION OF VACATED SW GAILBREATH WAY WHICH INURED THERETO BY REASON OF WASHINGTON COUNTY ORDINANCE NO. 65-11, RECORDED JULY 22, 1965, IN BOOK 561, PAGE 466. EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 34; THENCE FROM SAID POINT OF BEGINNING, SOUTHEASTERLY ALONG THE WEST LINE OF MCEWAN ROAD, ALSO KNOWN AS HAZEL FERN ROAD, 187.2 FEET; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF LOT 34, A DISTANCE OF 150 FEET TO A POINT; THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERLY LINE OF LOT 34, 187.2 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY 150 FEET ON THE DIVISION LINE BETWEEN LOTS 33 AND 34 TO THE PLACE OF BEGINNING. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 94-021176.

PARCEL 3: A) A PORTION OF LOT 33, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIPE WHICH BEARS NORTH 38° 35' WEST 12.80 FEET FROM THE MOST EASTERLY SOUTHEAST CORNER OF LOT 33, TUALATIN VALLEY HOMES, SAID IRON PIPE ALSO BEING IN THE SOUTHWESTERLY RIGHT OF WAY OF HAZEL FERN ROAD; THENCE SOUTH 51° 25' WEST, PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 33, A DISTANCE OF 150.00 FEET TO AN IRON PIPE; THENCE SOUTH 38° 35' EAST 12.80 FEET TO A POINT ON SAID SOUTHEASTERLY LINE; THENCE NORTH 51° 25' EAST ALONG SAID SOUTHEASTERLY LINE 150.00 FEET TO THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT 33 AND A POINT IN SAID RIGHT OF WAY HAZEL FERN ROAD; THENCE NORTH 38° 35' WEST 12.80 FEET ALONG SAID RIGHT OF WAY TO AN IRON PIPE AND THE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 94-021176. B) A PORTION OF LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES; RUNNING THENCE FROM SAID POINT OF BEGINNING, SOUTH AND EAST ALONG THE WEST LINE OF HAZEL FERN ROAD 87.20 FEET; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF LOT 34, A DISTANCE OF 150 FEET TO AN IRON PIPE; THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERLY LINE OF LOT 34, 87.20 FEET TO AN IRON PIPE; THENCE NORTHEASTERLY ON DIVISION LINE BETWEEN LOTS 33 AND 34, TO THE PLACE OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 94-021176.

PARCEL 4: A PORTION OF LOT 34, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 34, TUALATIN VALLEY HOMES; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF MCEWAN ROAD, ALSO KNOWN AS HAZEL FERN ROAD, 87.2 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING SOUTHEASTERLY ALONG THE WESTERLY LINE OF THE MCEWAN ROAD 100 FEET TO A POINT; THENCE SOUTHWESTERLY PARALLEL TO THE NORTHWESTERLY LINE OF LOT 34, A DISTANCE OF 150 FEET TO A POINT; THENCE NORTHWESTERLY PARALLEL TO THE NORTHEASTERLY LINE OF LOT 34, 100 FEET TO A POINT; THENCE NORTHEASTERLY ON A LINE PARALLEL TO THE DIVISION LINE BETWEEN LOTS 33 AND 34, 150 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF TUALATIN BY DEDICATION DEED RECORDED MARCH 4, 1994, RECORDING NO. 94-021176.

PARCEL 5: LOT 35, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON. TOGETHER WITH THAT PORTION OF VACATED SW GAILBREATH WAY WHICH INURED THERETO BY REASON OF WASHINGTON COUNTY ORDINANCE NO. 65-11, RECORDED JULY 22, 1965, IN BOOK 561, PAGE 466. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED DECEMBER 19, 1940 IN BOOK 194, PAGE 690. ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 13, 1973, IN BOOK 919, PAGE 45, DEED RECORDS.

PARCEL 6: THAT PART OF LOTS 36 AND 37, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, LYING SOUTHEASTERLY OF THE WEST PORTLAND-HUBBARD HIGHWAY. TOGETHER WITH THAT PORTION OF VACATED SW GAILBREATH WAY WHICH INURED THERETO BY REASON OF WASHINGTON COUNTY ORDINANCE NO. 65-11, RECORDED JULY 22, 1965, IN BOOK 561, PAGE 466. EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION BY DEED RECORDED APRIL 13, 1973, IN BOOK 919, PAGE 45, DEED RECORDS.

PARCEL 7: A PARCEL OF LAND LYING IN LOTS 43 AND 44, TUALATIN VALLEY HOMES, IN THE CITY OF TUALATIN, COUNTY OF WASHINGTON AND STATE OF OREGON, LYING SOUTHEASTERLY OF A LINE PARALLEL WITH AND 125 FEET SOUTHEASTERLY OF THE CENTER LINE OF THE PACIFIC HIGHWAY (FORMERLY THE WEST PORTLAND-HUBBARD HIGHWAY) WHICH CENTER LINE IS REFERRED TO IN THAT DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, RECORDED IN BOOK 194, PAGE 446, OF WASHINGTON COUNTY BOOK OF RECORDS. EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION IN DEED RECORDED FEBRUARY 15, 1973, IN BOOK 909, PAGE 745, OF WASHINGTON COUNTY BOOK OF RECORDS. ALSO EXCEPTING THEREFROM DEDICATED TO THE CITY OF TUALATIN, BY DEED RECORDED MARCH 4, 1994, AS RECORDING NO. 94-021176.

THE ABOVE DESCRIBED PARCEL IS THE SAME PARCEL AS DESCRIBED IN FIDELITY NATIONAL TITLE COMPANY OF OREGON, COMMITMENT NO. 20130068528-FTPOR01, BEARING AN EFFECTIVE DATE OF FEBRUARY 8, 2013, AT 8:00 AM.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON

JANUARY 23, 1990

DALE L. HULT
2427

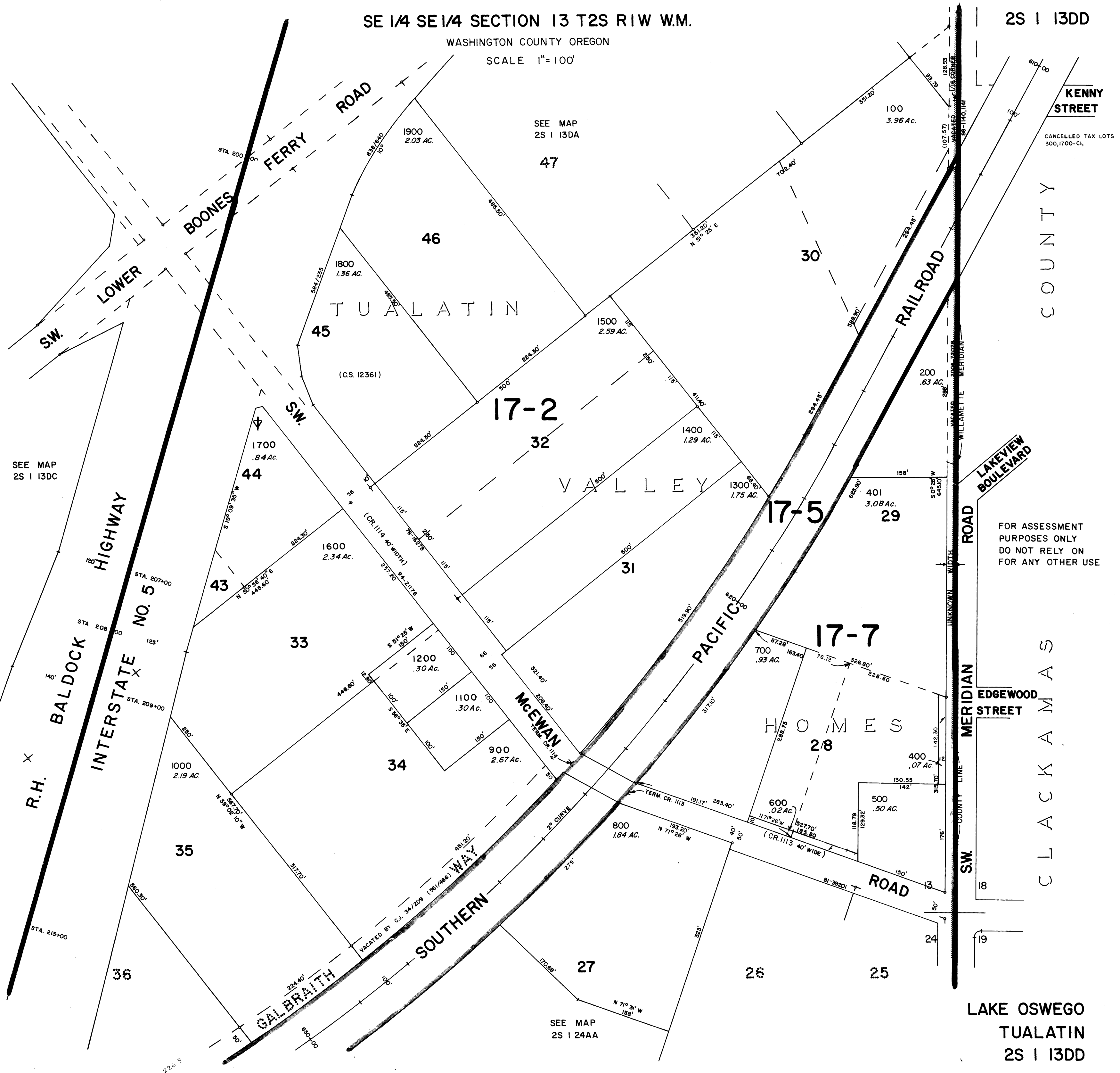
RENEWS 07/01/11

SE 1/4 SE 1/4 SECTION 13 T2S R1W W.M.

WASHINGTON COUNTY OREGON

SCALE 1"=100'

2S 1 13DD



CUP-13-05

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.

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<div>NOTICE</div> <div>NEIGHBORHOOD / DEVELOPER MEETING</div> <div>___/___/2010 __:__.m.</div> <div>___ SW ___</div> <div>503-___-___</div>	18"
24"	

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. 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

U-Haul Self-Service Storage project, I

hereby certify that on this day, one 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: Ryan Schera
(PLEASE PRINT)

Applicant's Signature: _____


Date: 11/6/13

NEIGHBORHOOD/DEVELOPER MEETING AFFIDAVIT OF MAILING

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

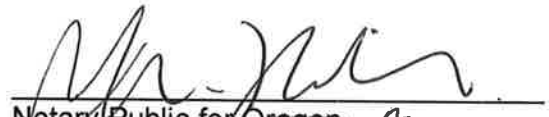
I, DAVID Pollock, being first duly sworn, depose and say:

That on the 3RD day of NOVEMBER, 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 3RD day of NOVEMBER, 2013.




Notary Public for ~~Oregon~~ ARIZONA
My commission expires: 12/11/2016

RE: _____

November 3, 2013

Project Name & Location:

U-Haul Moving & Storage of Tualatin

7100 SW McEwan Rd., TUALATIN, Oregon 97035

Dear Property Owner;

You are cordially invited to attend a meeting on November 20, 2013 at 6:30 pm at 7100 SW McEwan Road, Tualatin, OR 97035. This meeting shall be held to discuss a proposed project located at 7100 SW McEwan Rd., Tualatin, OR.

The proposal is to;

R-Use Development and Tenant Improvements converting the existing Natural Gas Company center into a U-Haul Center. This location shall offer Interior Climate Controlled Self-Storage, Open Warehouse storage, Retail/Showroom, Dispatch & Receiving Bays, U-Haul Equipment and Vehicle rental, Equipment Repair Shop, RV Storage and Alternate Fuel Dispensing area.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss the proposal and identify any issues regarding this proposal.

Regards

David Pollock, Development Manager
U-Haul International/AMERCO Real Estate Co.
David_Pollock@uhaul.com
(602) 263-6502

David Schaefer, U-Haul President of Portland
8816 SE Foster Rd. Portland, OR 97266
david_schaefer@uhaul.com
(503) 777-5924

As the applicant for the U-Haul Moving & Storage of Tualatin project, I hereby certify that on this day, November 3, 2013 notice of the Neighborhood / Developer meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department-Planning Division

Applicant's Name: David Pollock

Applicant's Signature; _____

Date 11/3/13

SIGN-IN SHEET

503.224.9560 • 503.228.1285 • MCKNZE.COM

RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon • Vancouver, Washington • Seattle, Washington

PROJECT NUMBER: 2130364.00

PROJECT NAME: U-Haul Tualatin

FACILITATOR: David Pollack, U-Haul
Ryan Schera, Mackenzie

MEETING DATE: November 20, 2013
MEETING TIME: 6:30 PM

Name (and Organization)	Address	Phone	Email
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Ted Dorsey 6545 Childs Rd 503-639-7960 TDorsey@Juno.
Linda Moholt ~~1879~~ 18791 SW-Mantua Rd 503-692-0786 Linda@thalatin
Colin Cortes City of Tualatin Chamber. Com
Scott Cassiday Thalatin OR

Welcome Please Sign in:

NAME

ADDRESS

STEVE WALT

220 NW 2ND AVE PORTLAND OR 97209



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 U-Haul conditional use (CUP 13-05) project, I hereby certify that on this day, 12/16/13 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: Suzannah Stanley
(PLEASE PRINT)

Applicant's Signature: [Signature]

Date: 12/16/13

CUP-13-05 ATTACHMENT 101C:

ANALYSIS AND FINDINGS

The issue before the City Council is consideration of a conditional use permit to allow rental and leasing of autos and light trucks with incidental sale of vehicles for U-Haul.

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 101B), 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, which comprises Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500, is within the Light Manufacturing (ML) Planning District. "Rental and leasing of autos and light trucks, except not allowed in the Special Commercial Setback, TDC 60.035(1-3)" is a conditional use within the ML Planning District pursuant to TDC [60.040](#)(1)(p), and the subject property is not subject to the Special Commercial Setback pursuant to TDC [Map 9-5](#).

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 ML Planning District is 20,000 square feet (s.f.), approximately 0.46 acres. The site is approximately 10.08 acres and is developed with four industrial buildings vacated by NW Natural [Gas]. The tax lot exceeds the minimum lot size requirement.

The site size is suitable for the proposed use.

Shape: The site is a triangular composition of lots with access from and frontage along SW McEwan Road. The site abuts I-5 to the west/northwest and the Portland & Western Railroad (PNWR) to the south/southeast.

The lot shape is suitable for the proposed use.

Location: The site is located within the ML Planning District with access from SW McEwan Road.

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 from north/northeast to south/southwest.

The topography would not interfere with the proposed use.

Improvements: The site is developed with four industrial buildings vacated by NW Natural [Gas]. The applicant proposes to re-use and convert the site and existing buildings into a self-storage, warehouse, and truck/equipment rental facility for U-Haul.

Of the adjacent public street, the Engineering Division Memorandum (Attachment 101D) identifies no needed improvements.

Asbuilts show existing sanitary sewer and water laterals to City systems. The existing water meter is in need of replacement. A replacement water meter is scheduled to have been completed by January 17, 2014. The sanitary sewer and water needs are met.

Natural Features: Staff visited the site on January 10 and 24, 2014. The developed site has several mature trees, with many in a park-like area in the northerly middle of the site, between the buildings and the northernmost parking. The applicant stated during the neighborhood/developer meeting on November 20, 2013 that there was no intention to redevelop this area.

The following are conditions of approval to meet Criterion 2:

8. *Condition 8: Site Planning: Approval of Conditional Use Permit 13-05 does not approve any site redevelopment, and the applicant shall submit for [Architectural Review \(AR\)](#) prior to any site redevelopment, including landscaping, tree removal, parking lot improvements, exterior painting, and exterior major remodeling, pursuant to TDC [73.040](#)(1). No later than prior to issuance of either a temporary certificate of occupancy (TCO) or certificate of occupancy (CO), the applicant shall submit for AR to address ongoing site work including exterior painting and renovations to a shed on the southerly end of the west/northwest property line. The applicant shall carry out construction, site redevelopment and landscaping in substantial accord with the approved AR plan or application pursuant to TDC [73.040](#)(3).*

Staff observed during a January 24, 2014 site visit that the applicant had begun work necessitating land use decisions and permits, including Architectural Review (AR) approval and sign permits. For this reason, it's necessary to impose a condition requiring application for applicable land use applications and permits within time certain.

There exist improvements on site that could be compatible with the use, making it a suitable site if all site work and building renovations are reviewed through AR. AR allows staff to ensure that the applicant meets all codes and that the site and building work are compatible with the surroundings.

9. Condition 9: Tree Preservation:

- a. TDC 73.050(4), an AR standard, refers to a tree removal criterion in TDC [34.230\(1\)\(c\)](#) that relates to tree removal by site development. The AR applicant shall provide burden of proof to be able to invoke the tree removal criterion of (c).*
- b. Approval of Conditional Use Permit 13-05 does not approve any of the tree removal implied by the preliminary site plan. The applicant shall either preserve a portion of the island that contains the largest three trees or provide documentation justifying why fewer or no trees could be preserved while accomplishing the applicant's RV circulation and storage objectives and explaining such objectives. As part of AR, the applicant shall submit documentation including landscape and tree preservation plans showing compliance with this condition.*
- c. Though the preliminary site plan does not specify tree removal from elsewhere on the subject property, for any additional tree removal the applicant shall obtain approval through AR or one of the additional application types listed in TDC [34.200\(1\)\(a\)](#).*

TDC 73.050(4), an Architectural Review (AR) standard, refers to a tree removal criterion in TDC 34.230(1)(c): "It is necessary to remove the tree to construct proposed improvements based on Architectural Review approval, building permit, or approval of a Subdivision or Partition Review."

Though the site is developed and has lost its original natural features, there exists a natural feature placed by a prior developer, namely mature trees. The proposed use would be suitable for preservation of a number of mature trees if the applicant can show that he can make the use compatible with the preservation of such trees.

For these reasons, the AR applicant shall provide burden of proof to be able to invoke the tree removal criterion of (c).

Specifically, rather than assume removal of the landscaped island in the north corner of the site that the applicant's preliminary site plan (Attachment 101B) indicates for recreational vehicle (RV) storage, the applicant shall through AR either preserve a portion of the island that contains the largest three trees or provide documentation justifying why fewer or no trees could be preserved while accomplishing the applicant's RV circulation and storage objectives and explaining such objectives.

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 101D):

Transportation: The site is east of I-5 and southwest of SW McEwan Road. The applicant has submitted a Traffic Information Report from Mackenzie dated December 12, 2013. As the Institute of Transportation Engineers (ITE) Trip Generation Manual does not have a use similar to U-Haul, a survey of a larger active U-Haul site was counted for comparison.

TABLE 2 –U-HAUL TRIP GENERATION CHARACTERISTICS				
Time Period	Weekday (Tues-Thurs)		Weekend	
	Peak Hour	ADT	Peak Hour	ADT
Peak	44 (16% in/84% out)	365	39 (54% in/46% out)	327
Average	33 (50% in/50% out)	332	28 (60% in/40% out)	218

Weekdays yielded higher overall peak trip generation and average peaking characteristics than the weekend days. Weekday peak and Average Daily Traffic (ADT) surpassed weekend peak and ADT, therefore weekday trip rates were evaluated to determine potential trip increases that might result in higher level of service (LOS).

TABLE 4 – NET SITE TRIP GENERATION						
Time Period	Weekday Midday Peak Hour Trips			Weekday PM Peak Hour Trips		
	Entering	Exiting	Total	Entering	Exiting	Total
Proposed Site	17	16	33	10	21	31
Existing Site	19	22	41	10	21	31
Net Trip Impact	-2	-6	-8	0	0	0

Based on Table 4, the U-Haul development will not increase trips on the adjacent street system, and there will be no change in traffic operation during peak hours and a decrease during midday, therefore no impact to LOS at nearby intersections.

Sanitary Sewer, Stormwater, & Water: Asbuilts show existing sanitary sewer and water laterals to City systems. The existing water meter is in need of replacement. A replacement water meter is scheduled to be completed by January 17, 2014. The sanitary sewer and water needs are met.

No stormwater lines are available. Stormwater from this site will need to be addressed during redevelopment through infiltration or construction of new public stormwater lines.

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 ML Planning District. Surrounding land uses by cardinal direction and planning district include:

N:	CG	SW McEwan Road, Legacy Medical Group
E:	ML	SW McEwan Road, North to south: Public Storage, Oswego Storage, and Puremist Corp.
S:	n/a	Portland & Western Railroad (PNWR); outside city limits, in Lake Oswego: industrial businesses
	RMH	Portland & Western Railroad (PNWR), Piper's Run Subdivision (residential, mostly duplexes)
W:	CG	I-5, Providence Bridgeport medical facility, Claim Jumper restaurant

The proposed use can be conditioned to be compatible with surrounding uses including a rail line and mostly industrial businesses. The site lacks screening of outdoor storage and the west/northwest yard does not currently meet perimeter landscape standards, and Condition 3 addresses this. Piper's Run Subdivision, across the PNWR, had co-existed with the developed industrial site, vacated by NW Natural [Gas], and can co-exist with the proposed use given the conditions of approval. Condition 4 described below regarding lighting will improve this co-existence. For these reasons 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.

The following are conditions of approval to meet Criterion 4:

- 3. Condition 3: Landscaping: The applicant shall comply with TDC [73.240](#)(9) by planting trees, shrubs, lawn and live groundcover in yards adjacent to I-5 and SW McEwan Road. Additionally, the applicant shall comply with TDC [73.340](#)(2) by providing site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC [73.340](#)(2)(a)(i-iv). As part of [Architectural Review \(AR\)](#), the applicant shall submit a landscape plan showing compliance with this condition.*

This condition keeps from harming surrounding properties the subject property that is subject to these landscaping standards through Architectural Review (AR). It also draws the applicant's attention to them and provides direction to the applicant for using landscaping as screening and bringing the site up to code.

4. *Condition 4: Lighting: The applicant shall eliminate glare and light trespass pursuant to TDC [73.160](#)(3)(c) and TDC [73.380](#)(6) by referring to the [Guidelines for Good Exterior Lighting Plans](#) (2009) prepared by the Dark Sky Society, especially regarding fixture type and placement. As part of AR, the applicant shall submit a lighting plan and related information showing compliance with this condition.*

The condition is necessary to eliminate glare and light trespass as well as ensure lighting is directed away from residential planning districts, and it allows the City to codify for the subject property the use of best practices for exterior lighting. It also would improve the continued co-existence of the site with residential properties in the Piper's Run Subdivision across the PNWR to the south/southeast.

5. *Condition 5: Outdoor Storage Screening: The applicant shall screen outdoor storage pursuant to TDC [73.160](#)(4)(b) with dense evergreen landscaping pursuant to [73.260](#)(1)(b) and (c). The applicant shall also screen the west/northwest boundary of the subject property along I-5 with dense evergreen landscaping pursuant to TDC [73.260](#)(1)(b) and (c). Any shrubbery proposed for such screening shall be at least 5 feet (ft) high at time of planting. As part of AR, the applicant shall submit site and landscape plans showing compliance with this condition.*

This condition keeps from harming surrounding properties the subject property that is subject to the screening standard and draws the applicant's attention to it. The condition is necessary because the site currently lacks adequate screening from public right-of-way (ROW) and doesn't meet code, and it allows the City to codify for the subject property the use of a preferred specific means of screening – landscaping.

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 ML Planning District include TDC:

- Chapter 7 "Manufacturing Planning Districts", Section 7.030 "Objectives";
- Chapter 32 "Conditional Uses", Section 32.030 "Conditional Uses – Siting Criteria";
- Chapter 38 "Signs";
- Chapter 60 "Light Manufacturing Planning District (ML)", Sections 60.010 "Purpose" and 60.041 "Restrictions on Conditional Uses";
- Chapter 63 "Environmental Regulations"; and
- Chapter 73 "Community Design Standards", Sections 73.040(1), 73.050(4),

73.160(3)(c) and (4)(b), and 73.380(6).

TDC [7.030](#) states that “the following are general objectives used to guide the development of the Plan and that should guide implementation of the Plan's recommendations: ... (2) Provide increased local employment opportunity.”

The proposal is for truck rental use by U-Haul, a business new to Tualatin and new to the developed site that was vacated by NW Natural [Gas], and would allow for a number of jobs greater than the zero that presently exist on site, mitigating erosion of employment opportunity.

This Analysis & Findings (Attachment 101C) examines the five conditional use siting criteria within TDC 32.030, and this section addresses Criterion 5.

TDC [60.010](#) states that “The purpose of this district is to provide areas of the City that are suitable for industrial uses and compatible with adjacent commercial and residential uses. ... The district is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and do not create undue amounts of noise, dust, odor, vibration, or smoke.”

The proposal is for truck rental use by U-Haul, a use that, having both commercial and industrial character, fits well with the ML Planning District meant as a buffer or transitional district adjacent to commercial and residential districts. As examined above for Criterion 4, surrounding land uses including the commercial Legacy Medical Group site to the north and the residential Piper’s Run Subdivision of mostly duplexes to the south across the Portland & Western Railroad (PNWR). The proposal threatens no inherent, imminent, or great hazard or conflict with surrounding uses, particularly none of the nuisance kind that the general public might associate with industry such as undue amounts of noise, dust, odor, vibration, or smoke. As listed in Criterion 4, surrounding uses include a mini storage use similar to the U-Haul proposal.

TDC [60.041](#) establishes retail restrictions on conditional uses:

The following restrictions shall apply to those uses listed as conditional uses in TDC 60.040:

- (1) The retail sale of products manufactured, assembled, packaged or wholesaled on the site is allowed provided the retail sale area, including the showroom area, is no more than 5% of the gross floor area of the building not to exceed 1,500 square feet.
- (2) For other retail uses, excluding retail sales of products manufactured, assembled, packaged or wholesaled on the site, the following restrictions shall apply:

(a) Retail uses on land designated Employment Area or Corridor on [Map 9-4](#) shall not be greater than 60,000 square feet of gross floor area per building or business.

(b) Retail commercial, retail service and professional service uses on land designated Industrial Area on [Map 9-4](#) shall not be greater than 5,000 square feet of sales or service area in a single outlet, or not greater than 20,000 square feet of sales or service area for multiple outlets in a single building or in multiple buildings that are part of the same development project, with the following two exceptions, which shall not be subject to the size limitations stated in this sub-section:

(i) Commercial uses within the Special Setbacks for Commercial Uses Area, shown on [Map 9-5](#), and as specified in TDC [60.035](#).

(ii) Development approved through the application of the Industrial Business Park Overlay District, as specified in TDC Chapter [69](#).
[Ord. 1212-06, 06/26/06]

The application materials don't suggest an inherent conflict with or inability to comply with the restrictions, but because it's unclear if the applicant is aware of and would comply with the restrictions and for other reasons examined below, the staff report lists a condition of approval referencing these restrictions, which is reproduced and examined below.

The following are conditions of approval to meet Criterion 5.

1. *Condition 1: Application: The applicant shall operate the use consistent with all application materials submitted to the City on November 27, 2013 and revised December 12, 2013 unless otherwise directed by another condition of approval.*

This condition ensures compliance with the TDC.

2. *Condition 2: Environmental Regulations: The applicant shall comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC [63](#).*

This condition ensures compliance with the TDC by the subject property, which is subject to these standards, and draws the applicant's attention to them.

6. *Condition 6: Restrictions on Conditional Uses: The applicant shall comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC [60.041](#) and indicate compliance on a site plan submitted for Architectural Review (AR).*

The proposed use is by a business of commercial character selling goods and service related to the uses of mini storage and truck rental, meaning that there will be retail with U-Haul and its land uses. Notation on the preliminary site plan also indicates square footage allocations for retail. This condition confirms that the subject property is subject to the retail restrictions and draws the applicant's attention to them in order to comply with them and indicate compliance on a revised site plan to be submitted for Architectural Review (AR).

7. *Condition 7: Signage: The applicant shall separately from this CUP submit a [sign permit](#) application for each proposed [sign](#) or sign face change pursuant to and in compliance with [TDC 38](#). Within 10 days of the City Council adoption of Resolution 5177-14 for Conditional Use Permit 13-05, the applicant shall retroactively apply for permits for existing temporary banner signs to comply with [TDC 38.110\(5\)](#).*

Staff observed during a January 24, 2014 site visit that the applicant had begun work necessitating land use decisions and permits, including Architectural Review (AR) approval and sign permits. For this reason, it's necessary to impose a condition requiring application for applicable land use applications and permits within time certain.

10. *Condition 10: Approval Period: The approval period shall be pursuant to [TDC 32.090](#) Automatic Termination of Conditional Use as reproduced:*

(1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:

(a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said two-year period.

(b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year. [Ord. 743-88, 3/28/88; Ord. 1333-11 §2, 9/12/11]

This confirms an implicit assumption for the subject property that is subject to the approval period restrictions and draws the applicant's attention to them. It would also be useful if the City later revised TDC 32.090 because it would be clear what approval period regulations applied at the time of approval of the conditional use.

11. Condition 11: General: The applicant shall comply with all applicable [TDC](#) policies and regulations.

This condition ensures compliance with the TDC.

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

The proposal including conditions of approval is consistent with plan policies.

Based on the application, the conditions of approval, and the above analysis and findings, U-Haul (CUP-13-05) meets the criteria of TDC [32.030](#).

For administrative reference, the conditions of approval are reproduced below in numerical order:

1. Application: The applicant shall operate the use consistent with all application materials submitted to the City on November 27, 2013 and revised December 12, 2013 unless otherwise directed by another condition of approval.
2. Environmental Regulations: The applicant shall comply with the noise, vibration, air quality, odors, and other manufacturing planning districts environmental standards of TDC [63](#).
3. Landscaping: The applicant shall comply with TDC [73.240](#)(9) by planting trees, shrubs, lawn and live groundcover in yards adjacent to I-5 and SW McEwan Road. Additionally, the applicant shall comply with TDC [73.340](#)(2) by providing site perimeter landscaping at least 5 feet in width and adhering to planting specifications in TDC [73.340](#)(2)(a)(i-iv). As part of [Architectural Review \(AR\)](#), the applicant shall submit a landscape plan showing compliance with this condition.
4. Lighting: The applicant shall eliminate glare and light trespass pursuant to TDC [73.160](#)(3)(c) and TDC [73.380](#)(6) by referring to the [Guidelines for Good Exterior Lighting Plans](#) (2009) prepared by the Dark Sky Society, especially regarding fixture type and placement. As part of AR, the applicant shall submit a lighting plan and related information showing compliance with this condition.
5. Outdoor Storage Screening: The applicant shall screen outdoor storage pursuant to TDC [73.160](#)(4)(b) with dense evergreen landscaping pursuant to [73.260](#)(1)(b) and (c). The applicant shall also screen the west/northwest boundary of the subject property along I-5 with dense evergreen landscaping pursuant to TDC [73.260](#)(1)(b) and (c). Any shrubbery proposed for such screening shall be at least 5 feet (ft) high at time of planting. As part of AR, the

applicant shall submit site and landscape plans showing compliance with this condition.

6. Restrictions on Conditional Uses: The applicant shall comply with the retail restrictions on conditional uses in the ML Planning District pursuant to TDC [60.041](#) and indicate compliance on a site plan submitted for Architectural Review (AR).
7. Signage: The applicant shall separately from this CUP submit a [sign permit](#) application for each proposed [sign](#) or sign face change pursuant to and in compliance with [TDC 38](#). Within 10 days of the City Council adoption of Resolution 5177-14 for Conditional Use Permit 13-05, the applicant shall retroactively apply for permits for existing temporary banner signs to comply with TDC [38.110\(5\)](#).
8. Site Planning: Approval of Conditional Use Permit 13-05 does not approve any site redevelopment, and the applicant shall submit for [Architectural Review \(AR\)](#) prior to any site redevelopment, including landscaping, tree removal, parking lot improvements, exterior painting, and exterior major remodeling, pursuant to TDC [73.040\(1\)](#). No later than prior to issuance of either a temporary certificate of occupancy (TCO) or certificate of occupancy (CO), the applicant shall submit for AR to address ongoing site work including exterior painting and renovations to a shed on the southerly end of the west/northwest property line. The
9. Tree Preservation:
 - a. TDC 73.050(4), an AR standard, refers to a tree removal criterion in TDC [34.230\(1\)\(c\)](#) that relates to tree removal by site development. The AR applicant shall provide burden of proof to be able to invoke the tree removal criterion of (c).
 - b. Approval of Conditional Use Permit 13-05 does not approve any of the tree removal implied by the preliminary site plan. The applicant shall either preserve a portion of the island that contains the largest three trees or provide documentation justifying why fewer or no trees could be preserved while accomplishing the applicant's RV circulation and storage objectives and explaining such objectives. As part of AR, the applicant shall submit documentation including landscape and tree preservation plans showing compliance with this condition.
 - c. Though the preliminary site plan does not specify tree removal from elsewhere on the subject property, for any additional tree removal the applicant shall obtain approval through AR or one of the additional application types listed in TDC [34.200\(1\)\(a\)](#).
10. Approval Period: The approval period shall be pursuant to TDC [32.090](#) Automatic Termination of Conditional Use as reproduced:
 - (1) Unless otherwise provided by the Council in the resolution granting approval of the conditional use permit, a conditional use permit shall automatically become null and void two years after the effective date upon which it was granted unless one of the following events occur:
 - (a) The applicant or his successor in interest has secured a building permit within said two-year period, if a building permit is required, and has actually

commenced construction of the building or structure authorized by the permit within said two-year period.

(b) The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the conditional use permit within said two-year period.

(2) The applicant may submit a written request to the City Council for an extension of time on the conditional use permit to avoid the permit's becoming null and void. The request for extension must be submitted prior to the expiration of the times established by Subsection (1) above. The City Council may, in the resolution granting such conditional use permit, provide for an extension of time beyond 1 year. [Ord. 743-88, 3/28/88; Ord. 1333-11 §2, 9/12/11]

11. General: The applicant shall comply with all applicable [TDC](#) policies and regulations.



City of Tualatin

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MEMORANDUM

DATE: January 14, 2014

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

FROM: Tony Doran
Engineering Associate

SUBJECT: CUP 13-05, U-Haul - "Rental and Leasing of Autos and Light Trucks with Incidental Sale of Vehicles" at 7100 SW McEwan Rd (Tax Lot 2S1 13DD 01600)

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 east of I-5 and southwest of SW McEwan Road. The applicant has submitted a Traffic Information Report from Mackenzie dated December 12, 2013. As the Institute of Transportation Engineers (ITE) Trip Generation Manual does not have a use similar to U-Haul, a survey of a larger active U-Haul site was counted for comparison.

TABLE 2 –U-HAUL TRIP GENERATION CHARACTERISTICS				
Time Period	Weekday (Tues-Thurs)		Weekend	
	Peak Hour	ADT	Peak Hour	ADT
Peak	44 (16% in/84% out)	365	39 (54% in/46% out)	327
Average	33 (50% in/50% out)	332	28 (60% in/40% out)	218

Weekdays yielded higher overall peak trip generation and average peaking characteristics than the weekend days. Weekday peak and Average Daily Traffic (ADT) surpassed weekend peak and ADT, therefore weekday trip rates were evaluated to determine potential trip increases that might result in higher level of service (LOS).

Attachment 101D
Engineering Division Memo
Page 1 of 2



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TABLE 4 – NET SITE TRIP GENERATION

Time Period	Weekday Midday Peak Hour Trips			Weekday PM Peak Hour Trips		
	Entering	Exiting	Total	Entering	Exiting	Total
Proposed Site	17	16	33	10	21	31
Existing Site	19	22	41	10	21	31
Net Trip Impact	-2	-6	-8	0	0	0

Based on Table 4, the U-Haul development will not increase trips on the adjacent street system, and there will be no change in traffic operation during peak hours and a decrease during midday, therefore no impact to LOS at nearby intersections.

Sanitary Sewer, Stormwater, & Water: Asbuilts show existing sanitary sewer and water laterals to City systems. The existing water meter is in need of replacement. A replacement water meter is scheduled to be completed by January 17, 2014. The sanitary sewer and water needs are met.

No stormwater lines are available. Stormwater from this site will need to be addressed during redevelopment through infiltration or construction of new public stormwater lines.

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

Attachment 101D
Engineering Division Memo
Page 2 of 2

MEMORANDUM

Date: January 9, 2014

To: Colin Cortes, Assistant Planner, City of Tualatin

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

Subject: U-Haul Tualatin, CUP-13-05, 2S113DD00900, 01000, 01100, 01200, 01600, 01700, 2S124AA05500

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

PRIOR TO ANY WORK ON THE SITE

A Clean Water Services (the District) Storm Water Connection Permit Authorization must be obtained. 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. If site area and any offsite improvements required for this development exceed five-acres of disturbance, project will require a 1200-C 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.
- h. Application may require additional permitting and plan review from the District's Source Control Program. For any questions or additional information, please contact Source Control at (503) 681-5175.
- i. 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.

Conditional Use Permit: CUP-13-05



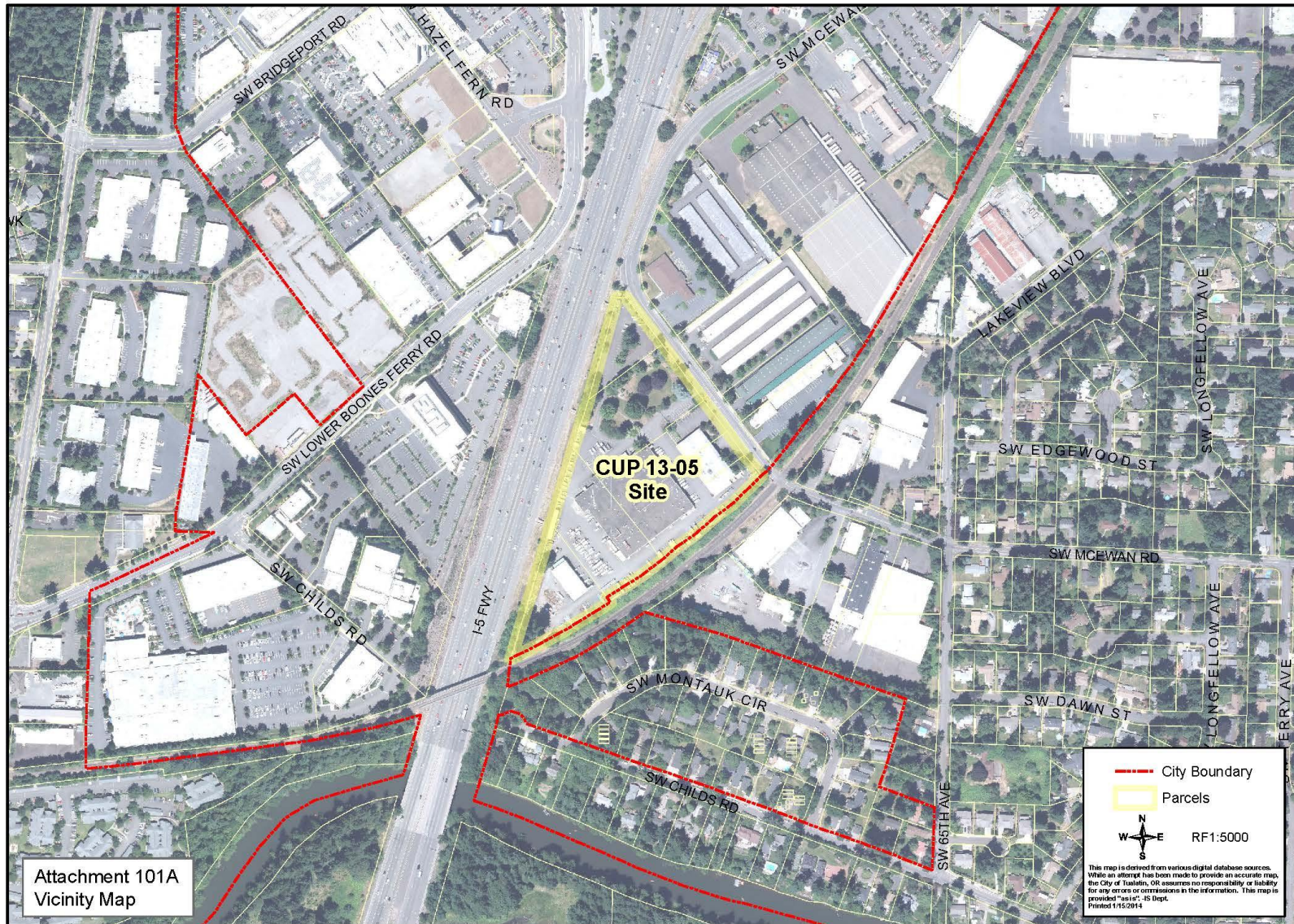
Truck Rental

February 10, 2014



CUP 13-05: U-Haul

7100 SW McEwan Rd





Oblique View





Applicant Request

- Light Manufacturing (ML) Planning District
- Proposed truck rental on the subject property
- “Truck rental” is a conditional use
- Applicant to have allowed uses on site too
- 2-step process:
 1. Conditional Use Permit (CUP)
 2. Architectural Review (AR)



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

Topics include:

- Application Consistency
- Environmental Nuisances
- Landscaping
- Lighting
- Outdoor Storage Screening

Continues next slide ...



Conditions of Approval, Cont.

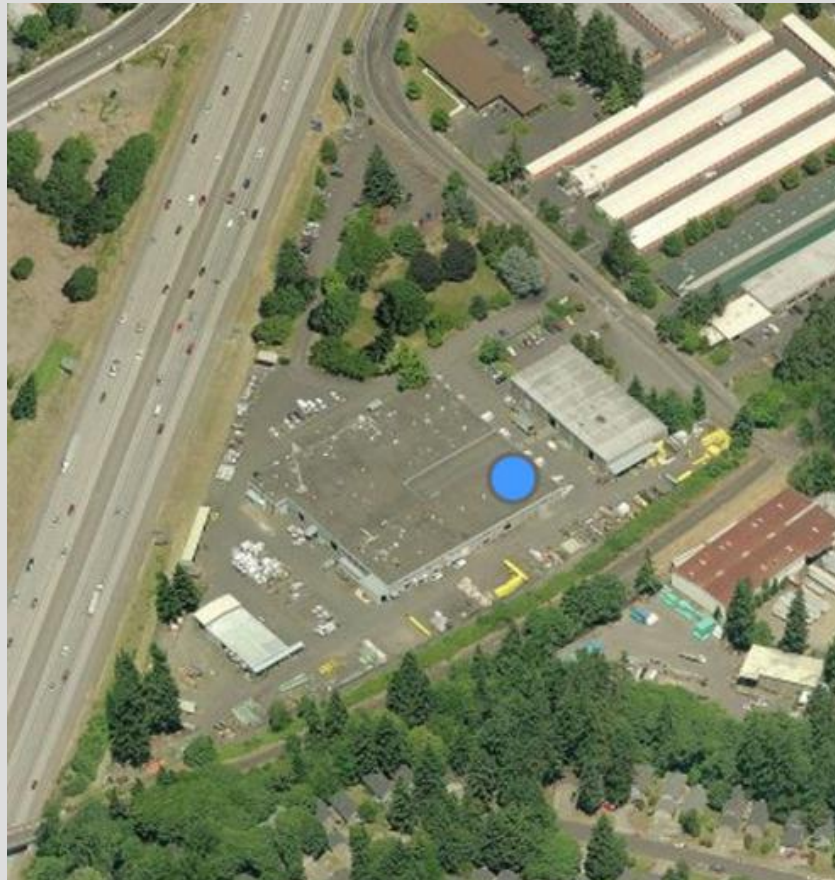
Topics include:

- General Restrictions on Conditional Uses
- Signage
- Site Planning / AR
- Tree Preservation
- Approval Period
- General Compliance



Conclusion

Analysis and findings show U-Haul with proposed conditions of approval meets CUP criteria.





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 02/10/2014

SUBJECT: Consideration of Ordinance No. 1367-14 An Ordinance Relating to the Transportation System Plan; Amending the Tualatin Development Code (TDC) 11.650 and the 2012 Tualatin Transportation System Plan Adopted February 25, 2013

ISSUE BEFORE THE COUNCIL:

Council will consider Ordinance No. 1367-14 on Remand from the Land Use Board of Appeals (LUBA) relating to the Transportation System Plan and amending the Tualatin Development Code (TDC) 11.650 and the 2012 Tualatin Transportation System Plan Adopted February 25, 2013.

RECOMMENDATION:

Staff recommends that Council adopt Ordinance No. 1367-14.

EXECUTIVE SUMMARY:

The City of Tualatin Transportation System Plan was adopted on February 25, 2013. The Tonquin Industrial Group subsequently appealed the decision to the Land Use Board of Appeals (LUBA), citing eight assignments of error. LUBA agreed with one of those assignments of error, finding the Ice Age Tonquin Trail, as a whole, constitutes a "park" within the meaning of Metro Code 3.07.420(D) and Tualatin Development Code 64.040. LUBA held that "parks" are not allowed in Regionally Significant Industrial Areas (RSIAs) under Metro and the City's code. As such, LUBA found the City erred in locating the Tonquin Trail within the Tonquin Industrial Group RSIA. LUBA remanded the decision to the City Council for it to consider and comply with LUBA's Opinion and Order. Adopting Ordinance No. 1367-14 amends the Transportation System Plan to remove the Tonquin Trail from the Tonquin Industrial Group RSIA and complies with LUBA's Opinion and Order.

Attachments: Ordinance No. 1367-14
Exhibit 1

Exhibit 2

Exhibit 3

Exhibit 4

Exhibit 5

Exhibit 6

Exhibit 7

Exhibit 8

ORDINANCE NO. 1367-14

AN ORDINANCE RELATING TO THE TRANSPORTATION SYSTEM PLAN;
AMENDING THE TUALATIN DEVELOPMENT CODE (TDC) 11.650 AND THE
2012 TUALATIN TRANSPORTATION SYSTEM PLAN ADOPTED FEBRUARY
25, 2013

WHEREAS, the Transportation System Plan was adopted by the City Council in Ordinance No. 1354-13 on February 25, 2013; and

WHEREAS, the Transportation System Plan was subsequently appealed to the Land Use Board of Appeals on eight separate grounds; and

WHEREAS, the Land Use Board of Appeals issued a decision on November 1, 2013, and affirmed one of the eight grounds for appeal finding the Ice Age Tonquin Trail, as a whole, constitutes a “park” within the meaning of Metro Code 3.07.420(D) and Tualatin Development Code 64.040(8); and therefore, the City erred in locating the Ice Age Tonquin Trail alignment within the Tonquin Industrial Group Regionally Significant Industrial Area; and

WHEREAS, the Land Use Board of Appeals remanded the issue to the Tualatin City Council for further review; and

WHEREAS, to comply with the Land Use Board of Appeals’ opinion and order, the City Council finds it necessary to remove references to the Ice Age Tonquin Trail from the Tualatin Development Code (TDC) 11.650 and the Transportation System Plan.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TDC 11.650 is amended to read as follows:

(1) This modal plan describes pedestrian and bicycle improvements to comfortably and safely accommodate bicyclists and pedestrians within the City. These include multi-use paths, specific bicycle and pedestrian improvements, and street upgrades. Figure 11-4 presents the updated bicycle and pedestrian system for the City of Tualatin.

(2) Summary of Limitations and Needs for Bicycle and Pedestrian Facilities. This section summarizes limitations and needs for bicycle and pedestrian facilities, and multi-use paths. A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in Appendix B of the Transportation System Plan Technical Memorandum (December 2012).

(a) Bicycle Facility Needs. Existing bicycle facilities in Tualatin have a few gaps and challenging connections:

- (i) Difficult left-turn maneuvers;
- (ii) Difficult areas with low bike visibility;
- (iii) Bike lanes outside of turn lanes;
- (iv) Obstacles within the bike lanes;
- (v) Gaps in the network; and
- (vi) In addition to these needs, there are a number of high-crash locations.

Most crashes result in an injury to the bicyclist, and most occur on a dry roadway surface in daylight conditions. High-crash locations include SW Boones Ferry Road and SW Tualatin-Sherwood Road; as well as, the SW Nyberg Road interchange ramps at I-5.

(b) Pedestrian Facility Needs. Pedestrian facility needs include:

- (i) Fill sidewalk gaps on arterials and collector streets at:
 - (a) Sections of SW Herman Road;
 - (b) Sections of SW Grahams Ferry Road;
 - (c) Sections of SW Boones Ferry Road;
 - (d) SW Blake Street between SW 105th and SW 108th Avenues;
 - (e) SW Sagert Street overpass over I-5; and
 - (f) SW 105th Avenue between SW Paulina Drive and SW Blake Street.

- (ii) Narrow or obstructed sidewalks.
- (iii) Wide or angled crosswalks at intersections.
- (iv) Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core).
- (v) Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

(c) Multi-use Path Needs. Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths; as well as, to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing

multi-use paths are fragmented and do not connect; ~~s~~ Signs and other wayfinding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

(3) Bicycle and Pedestrian Policies. The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

- (a) Bicycle and Pedestrian Policy 1: Support Safe Routes to Schools (SRTS) for all Tualatin schools.
- (b) Bicycle and Pedestrian Policy 2: Work with partner agencies to support and build ~~the Ice Age Tongue Trail~~ trails.
- (c) Bicycle and Pedestrian Policy 3: Allow wider sidewalks downtown for strolling and outdoor cafes.
- (d) Bicycle and Pedestrian Policy 4: Add benches along multi-use paths for pedestrians throughout the City (especially in the downtown core).
- (e) Bicycle and Pedestrian Policy 5: Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings.
- (f) Bicycle and Pedestrian Policy 6: Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 11-1.
- (g) Bicycle and Pedestrian Policy 7: Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes.
- (h) Bicycle and Pedestrian Policy 8: Ensure that there are bicycle and pedestrian facilities at transit stations.
- (i) Bicycle and Pedestrian Policy 9: Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools.
- (j) Bicycle and Pedestrian Policy 10: Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities.

(4) Bicycle Boulevards. Currently, there are no existing bicycle boulevards in Tualatin, though Washington County has bicycle boulevard policies and design standards.

Bicycle boulevards are roadways that use a variety of design treatments to reduce vehicle speeds so that motorists and bicyclists generally travel at the same speed, to create a safer and more comfortable environment for all users. Bicycle boulevards may include a variety of applications ranging from minor street signing

enhancements (such as shared lane markings) to larger scale projects (for example, bike-only access at intersections, traffic diverters). Boulevards also incorporate treatments to facilitate safe and convenient crossings where bicyclists must traverse major streets. Traffic controls along a boulevard may assign priority to through cyclists while encouraging through vehicle traffic to use alternate parallel routes.

Bicycle boulevards work best in well-connected street grids, where riders can follow intuitive and reasonably direct routes. Boulevards also work best when higher-order parallel streets exist to serve through vehicle traffic. Bicycle boulevards are generally located on streets with lower traffic volumes and vehicle speeds, such as minor collectors or local streets passing through residential neighborhoods. Typically a bicycle boulevard would be located on a street where vehicles travel less than 30 miles per hour and average daily traffic volume is less than 3,000 vehicles (in both directions).

Proposed bicycle boulevards in Tualatin are shown on Figure 11-4. These are all low volume, low speed streets that connect neighborhoods with roadways and trails where bicycle infrastructure investments have been made. As a short-term action, the City should consider signing these roadways as bicycle routes, and monitor usage on an annual basis. As bicycle usage increases, and bicyclists and drivers become more used to sharing travel lanes, further investments could be considered to enhance safety for bicyclists.

Section 2. The Pages, Tables, and Figures of the Transportation System Plan Technical Memorandum are amended as follows:

(1) Title Page is deleted and replaced by “Exhibit 1,” which is incorporated herein.

(2) Street System Modal Plan – Regional Street Urban Upgrades (page 29) is deleted and replaced by “Exhibit 2,” which is incorporated herein.

(3) Transit Modal Plan – Regional Coordination (page 50) is deleted and replaced by “Exhibit 3,” which is incorporated herein.

(4) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Bicycle and Pedestrian Policies (page 59) is deleted and replaced by “Exhibit 4,” which is incorporated herein.

(5) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Multi-Use Path Projects, Table 13 and Regional Coordination (page 62) is deleted and replaced by “Exhibit 5,” which is incorporated herein.

(6) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Regional Multi-Use Path Projects, Table 15 (page 64) is deleted and replaced by “Exhibit 6,” which is incorporated herein.

(7) Pedestrian, Bicycle, and Multi-Use Path Modal Plan – Figure 7 Bicycle and Pedestrian Element (page 65) is deleted and replaced by “Exhibit 7,” which is incorporated herein.

(8) Implementation – Policy & Code Language, Bicycle and Pedestrian (page 99) is deleted and replaced by “Exhibit 8,” which is incorporated herein.

Section 3. The amendments to the TSP set forth in Section 1 and 2 of this ordinance remove the Tonquin Trail from being located in a Regionally Significant Industrial Area. As such, the TSP complies with Metro's Urban Growth Management Function Plan, Metro Code 3.07.420(D), Tualatin Development Code 64.040, and LUBA's Opinion and Order.

Section 4. Except to the extent modified by this ordinance, TDC 11.650 and the Transportation System Plan adopted by the Tualatin City Council by Ordinance 1354-13 on February 25, 2013, remains in full force and effect.

Section 5. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competition jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Revised Tualatin Transportation System Plan Update

Prepared for
City of Tualatin

~~February 2013~~
Updated February 2014

CH2MHILL®

With

Angelo
planning group

DKS

jla
public
involvement



Regional Street Urban Upgrades

Regional street upgrades serve regional travel needs, and are more expensive than what the City is anticipated to be able to fund by itself. These projects will rely on regional and State funding sources for implementation.

TABLE 5

Regional Urban Upgrade Cost Estimates and Prioritization

Project ID	Project Description	Cost Estimate (in 2012 dollars)	Champion	Funding Source	Priority*
R18	Upgrade SW Cipole Road to roadway standards between 99W and SW Tualatin-Sherwood Road, include a multi-use path on one side	\$20,030,000 ⁷	Washington County, City	Washington County MSTIP, TDT, LID, Bike/Ped funds	As development occurs
R19	Widen SW Boones Ferry Road to 5-lanes north of SW Martinazzi Avenue	\$17,818,000	City, ODOT, Washington County	Washington County MSTIP, TDT, gas tax, STIP	Long-term
R20	Widen SW Tualatin-Sherwood Road to five lanes between SW Teton Avenue and SW Cipole Road†	\$10,883,000	Washington County, City	TDT, Washington County MSTIP, gas tax	Medium-term
R21	Upgrade SW Borland Road to roadway standards between SW 65 th Ave. and the eastern City limits	\$9,646,000	Clackamas County, City	TDT, gas tax, Clackamas County	Medium-term
R22	Upgrade SW Grahams Ferry Road to roadway standards between SW Ibach Road and SW Helenius Road	\$3,300,000	Washington County	TDT, gas tax, Washington County MSTIP,	Long-term
R23	Upgrade SW Tonquin Road to roadway standards between SW Waldo Way and SW Grahams Ferry Road	\$11,193,000 ⁸	Washington County	TDT, gas tax, Washington County MSTIP	Medium-term
R24	Fill sidewalk gap and add a colored bicycle lane at SW Boones Ferry Road and SW Lower Boones Ferry Road Intersection	\$10,000	City, ODOT, Washington County, City of Durham	Bike/Ped funds, Travel Options	Short-term
R25	Fill sidewalk gaps on SW Grahams Ferry Road between SW Ibach Road and southern City limits	\$1,680,000 ⁹	Washington County	TDT, Bike/Ped funds, Travel Options, MBP	Short-term
R26	Fill sidewalk gaps on SW Borland Road from SW 65 th Avenue to the eastern City limits	\$2,603,000	Clackamas County, City	TDT, Bike/Ped funds, Travel Options	Short-term

⁷ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

⁸ From the *SW Tualatin Concept Plan* 2010. Estimate grown to 2012 dollars.

⁹ From the *Tualatin Bikeway Plan* 1993. Estimate grown to 2012 dollars.

The community's vision for "transit ready places" in the Linking Tualatin Plan includes potential transit and other transportation improvements to increase access to and use of transit. Public and private projects focus on improved bicycle and pedestrian connections and road crossings, new local street connections, and new transit services or facilities. Some public projects are unique to the Linking Tualatin Plan and will be studied further through that planning process. These projects include:

1. Bridgeport Village Area: **Provide a new pedestrian crossing** on SW Lower Boones Ferry Road at entrance to the south lot of the Tualatin Park-and-Ride.
2. Bridgeport Village Area: **Provide new local street connections** north of the proposed Bridgeport Apartments development, west, and north of the Grand Hotel.
3. Downtown Area: **Improve pedestrian crossing** on SW Boones Ferry Road at SW Nyberg Street near the WES station.
4. Meridian Park/Nyberg Woods Area: **Provide a new pedestrian crossing** on SW 65th Avenue near the north entrance to Meridian Park Hospital.
5. Leveton Area: **Provide a new pedestrian crossing** on SW Herman Road west of SW 108th Avenue to access a future bus stop and improve bicycle/pedestrian connectivity.
6. Teton Area: **Provide a new WES stop** near SW Tualatin-Sherwood Road, west of the intersection of SW Avery Street and SW 105th Avenue.
7. Teton Area: **Improve pedestrian crossing** at the SW Teton Avenue and SW Tualatin-Sherwood Road intersection.
8. Southwest Industrial Area: **Consider providing parkway treatment** along SW Tualatin-Sherwood Road between SW 124th Avenue and SW Avery Street.
9. Pacific Financial/SW 124th Avenue Area: **Provide new trails** parallel to OR 99W between SW Hazelbrook Road and the north side of the Tualatin River to connect with the Tualatin River Greenway Trail.
10. Pacific Financial/SW 124th Avenue Area: **Connect the Tualatin River Greenway trail** under the OR 99W bridge on both side of the river.

Other public projects in the Linking Tualatin Plan are included in the Transit Modal Plan of this Transportation System Plan. The focus of these projects is on providing east-west connectivity between OR 99W and downtown Tualatin via local bus transit, anchored by park-and-ride facilities in west, east and south Tualatin, and a transit hub at the downtown Tualatin WES station. These projects are shown in Figure 4 and more detail is provided later in this section.

- ◆ **Oregon Passenger Rail.** The purpose of the Oregon Passenger Rail project is to improve passenger rail service between Portland and Eugene. Along the way, the rail service is expected to serve the south Metro area via an alignment either east or west of the Willamette River. The City of Tualatin intends to coordinate with ODOT to help determine an appropriate corridor that would improve intercity passenger rail service in Oregon.
- ◆ **WES Extension.** TriMet and ODOT may consider the feasibility of extending WES commuter rail from Wilsonville to Salem. The City of Tualatin is supportive of the WES extension and intends to partner with ODOT and TriMet in facilitating this project.

Transit Projects

The following proposed projects represent the community's desires for future improvements to transit service. Figure 4 depicts the projects geographically. These projects can be grouped into the following categories: fixed-route bus service, shuttle service, WES, and park-and-rides.



- SW Sagert Street overpass over I-5
- SW 105th Avenue between SW Paulina Drive and SW Blake Street
- ◆ Narrow or obstructed sidewalks
- ◆ Wide or angled crosswalks at intersections
- ◆ Difficult crossing on major roadways (SW Boones Ferry Road, SW Tualatin-Sherwood Road, and roadways in the downtown core)

Most of the pedestrian crashes reported in the 5-year crash study timeframe occurred on SW Boones Ferry Road, generally when a vehicle failed to yield for pedestrians. Most crashes occurred when a vehicle was turning.

Multi-use Path Needs

Additional bicycle and pedestrian connections over the Tualatin River are needed to connect with existing regional paths, as well as to provide alternate routes to the one existing Ki-a-Kuts bridge that is exclusively for bicycles and pedestrians (from Tualatin Community Park to Durham City Park in Durham). Additionally, many of the existing multi-use paths are fragmented and do not connect; signs and other wayfinding guides are needed to inform bicyclists or pedestrians how to move among the various pathways, and from the pathways to on-street facilities. The planned multi-use path network is only half constructed, once the system is complete, the multi-use path network will be more comprehensive.

A full description of existing conditions and deficiencies for the bicycle, pedestrian, and pathway system can be found in Appendix B.

Bicycle and Pedestrian Policies

The City of Tualatin's policies on bicycle and pedestrian facilities are as follows:

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
- ◆ **Bicycle and Pedestrian Policy 4:** Add benches along multi-use paths for walkers throughout the City (especially in the downtown core)
- ◆ **Bicycle and Pedestrian Policy 5:** Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings
- ◆ **Bicycle and Pedestrian Policy 6:** Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 16 (later in this chapter; its source is the RTFP)
- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
- ◆ **Bicycle and Pedestrian Policy 8:** Ensure that there are bicycle and pedestrian facilities at transit stations
- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and schools
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

TABLE 13

Multi-Use Path Project Cost Estimates and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP10	Add trail on the east side of SW 105 th Avenue, SW Blake Street, and SW 108 th Avenue through Ibach Park to accommodate bicyclists and pedestrians	\$810,000	City, Ibach CIO	Parks SDC or bond, Bike/Ped funds, Travel Options	Medium-term
BP11	Add a multi-use path undercrossing of I-5 near Fred Meyer as part of the Nyberg Creek Greenway—connect to planned and existing multi-use paths	\$1,947,000 ²⁷	City	Bike/Ped funds, Travel Options, ODOT Bike/Ped grants	Medium-term
BP12	Not Used				

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

CIO – Citizen Involvement Organization

ODOT – Oregon Department of Transportation

SDC – System Development Charges

Regional Coordination

A number of bicycle and pedestrian projects will require coordination with regional agencies such as Washington and Clackamas Counties, Metro, or ODOT. The City of Tualatin will participate fully in the development of regional multi-use trail projects through partnering with neighboring cities and lead agencies. Regional projects currently under development include intersection and bike lane projects on facilities owned by Washington or Clackamas Counties, or ODOT these projects are included in Tables 14 and 15.

²⁷ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

Regional Multi-Use Path Projects

TABLE 15

Regional Multi-Use Path Project Cost Estimate and Prioritization

Project ID	Project Description	Cost Estimate	Champion	Funding Source	Priority*
BP17	Build pedestrian and bicycle bridges over the Tualatin River: North of SW Cipole Road in conjunction with the Westside Trail Near SW 108 th Avenue	\$2,434,000 ²⁸ \$2,434,000 ²⁹	City, Metro	Parks SDC or bond, Bike/Ped funds, Travel Options	Long-term
BP18	Not Used				

* Short term = within 5 years, medium term = 5–10 years, long-term = 10 years or more

SDC – System Development Charges

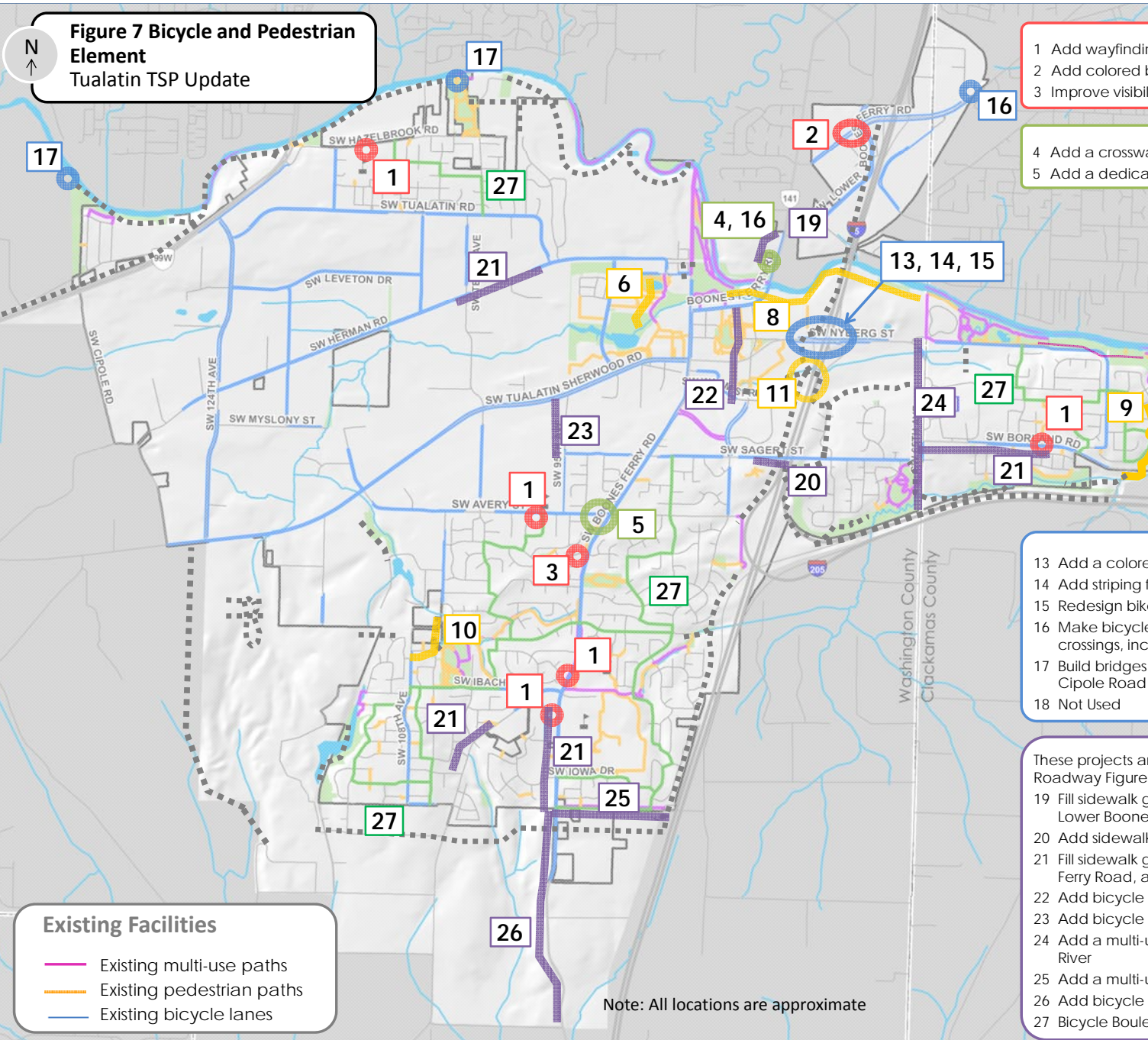
²⁸ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

²⁹ From Metro's *Regional Transportation Plan (RTP)* 2007. Estimate grown to 2012 dollars.

³⁰ Not used.

³¹ Not used.

Figure 7 Bicycle and Pedestrian Element
Tualatin TSP Update



City Safety Improvements

- 1 Add wayfinding signs for Safe Routes to School at all public schools
- 2 Add colored bike lanes on Bridgeport Road near Bridgeport Village
- 3 Improve visibility and illumination at crosswalk at Siletz Dr & Boones Ferry Rd

Bicycle and Pedestrian Facilities

- 4 Add a crosswalk at Tualatin View Apartments on SW Boones Ferry Rd
- 5 Add a dedicated bike lane through intersection at Avery St & Boones Ferry Rd

Multi-Use Trails

- 6 Upgrade bridge surface along the path behind the Haggan shopping center
- 7 Build multi-use paths from the previously adopted Tualatin Pedestrian, Bikeway, and Greenway Plans (indicated by - - - -)
- 8 Build trail along Tualatin River from the Community Park, extend to Tualatin River Greenway
- 9 Fill gaps in the multi-use path as part of the Tualatin River Greenway
- 10 Add a trail on the east side of SW 105th Avenue, SW Blake Street, and SW 108th Avenue through Ibach Park to accommodate bicyclists and pedestrians
- 11 Add I-5 multi-use undercrossing – connect to existing multi-use paths
- 12 Not Used

Regional Bicycle & Pedestrian Projects

- 13 Add a colored bike lane through the ramps at Nyberg Interchange
- 14 Add striping for the bicycle lane across the I-5 southbound off-ramp
- 15 Redesign bike lane on the east side of the Nyberg Interchange
- 16 Make bicycle and pedestrian crossing facility improvements at railroad crossings, including SW Boones Ferry Rd and SW Lower Boones Ferry Rd
- 17 Build bridges for pedestrian and bicycle access over the Tualatin River near Cipole Road and 108th Avenue
- 18 Not Used

Bicycle & Pedestrian Urban Upgrades

These projects are also included on the Urban Upgrades and Street Extensions Roadway Figure:

- 19 Fill sidewalk gaps and add colored bicycle lanes at SW Boones Ferry and SW Lower Boones Ferry Roads
- 20 Add sidewalks to the SW Sagert Street bridge
- 21 Fill sidewalk gaps on SW Boones Ferry Road, SW Borland Road, SW Grahams Ferry Road, and SW Herman Road
- 22 Add bicycle lanes on Martinazzi Avenue
- 23 Add bicycle lanes on SW 95th Avenue
- 24 Add a multi-use path along SW 65th Ave between Atfalati Park & the Tualatin River
- 25 Add a multi-use path (or sidewalks and bicycle lanes) on SW Norwood Road
- 26 Add bicycle lanes on Boones Ferry Rd from Norwood to Day Rd
- 27 Bicycle Boulevards (indicated by - - - -)



- ◆ **Transit Policy 6:** Develop and improve pedestrian and bicycle connections and access to transit stops.
- ◆ **Transit Policy 7:** Encourage higher-densities near high-capacity transit service.
- ◆ **Transit Policy 8:** Metro in the RTP calls for increased WES service frequency. The City will coordinate with TriMet, Metro, and ODOT to explore service frequency improvements and the possible inclusion of a second WES station in south Tualatin.

Bicycle and Pedestrian

- ◆ **Bicycle and Pedestrian Policy 1:** Support Safe Routes to Schools (SRTS) for all Tualatin schools
- ◆ **Bicycle and Pedestrian Policy 2:** Work with partner agencies to support and build trails
- ◆ **Bicycle and Pedestrian Policy 3:** Allow wider sidewalks downtown for strolling and outdoor cafes
- ◆ **Bicycle and Pedestrian Policy 4:** Add benches along multi-use paths for walkers throughout the City (especially in the downtown core)
- ◆ **Bicycle and Pedestrian Policy 5:** Develop and implement a toolbox, consistent with Washington County, for mid-block pedestrian crossings
- ◆ **Bicycle and Pedestrian Policy 6:** Implement bicycle and pedestrian projects to help the City achieve the regional non-single-occupancy vehicle modal targets in Table 16 (earlier in this chapter; its source is the RTFP)
- ◆ **Bicycle and Pedestrian Policy 7:** Implement bicycle and pedestrian projects to provide pedestrian and bicycle access to transit and essential destinations for all mobility levels, including direct, comfortable, and safe pedestrian and bicycle routes
- ◆ **Bicycle and Pedestrian Policy 8:** Ensure that there are bicycle and pedestrian facilities at transit stations
- ◆ **Bicycle and Pedestrian Policy 9:** Create on- and off-street bicycle and pedestrian facilities connecting residential, commercial, industrial, and public facilities such as parks, the library, and school
- ◆ **Bicycle and Pedestrian Policy 10:** Create obvious and easy to use connections between on- and off-street bicycle and pedestrian facilities, and integrate off-street paths with on-street facilities

Freight

- ◆ **Freight Policy 1:** Continue to coordinate with PNWR and TriMet to ensure that railroad crossings are safe and have few noise impacts on adjacent neighborhoods
- ◆ **Freight Policy 2:** Look for opportunities to shift goods shipments to rail to help reduce the demand for freight on Tualatin's roads.
- ◆ **Freight Policy 3:** Look for opportunities to create multi-modal hubs to take advantage of the freight rail lines

Transportation Demand Management

- ◆ **TDM Policy 1:** Support demand reduction strategies, such as ride sharing, preferential parking, and flextime programs
- ◆ **TDM Policy 2:** Partner with the Chamber of Commerce, the Westside Transportation Alliance, major employers, and business groups to implement TDM programs
- ◆ **TDM Policy 3:** Explore the use of new TDM strategies to realize more efficient use of the City's transportation system



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 02/10/2014

SUBJECT: Consideration of Ordinance No. 1368-14 Relating to Medical Marijuana Facilities; Establishing New Tualatin Municipal Code Chapter 9-08; and Declaring an Emergency.

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1368-14 to prohibit, as a temporary measure, medical marijuana facilities licensed by the State of Oregon from operating within the City of Tualatin. The Ordinance contains a sunset clause providing for automatic repeal of the Ordinance on December 31, 2014. On January 13, 2014, the City Council directed staff to draft this ordinance in order to allow the City Council additional time to gather input from the community, analyze how the final rules related to House Bill 3460 will impact the City of Tualatin, and consider zoning regulations.

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1368-14.

EXECUTIVE SUMMARY:

At the December 9, 2013 City Council Work Session, staff briefed Council on the activity regarding House Bill (HB) 3460, which authorized the Oregon Health Authority (OHA) to establish procedures to license and regulate medical marijuana facilities. The OHA appointed a Rules Advisory Committee to advise the agency as the rules for medical marijuana facilities are drafted. The final rules governing medical marijuana facilities in Oregon have now been posted by the OHA and are attached to this report as Attachment A. These are the rules that will be in place when the program begins accepting applications on March 3, 2014. The Council directed staff to provide additional information on adopting an ordinance which would prohibit medical marijuana facilities in Tualatin as an interim measure to provide Council additional time to determine: the impacts of the rules adopted by the State of Oregon; gather public input; gauge the impact on the community; and consider policy options for implementation of a final policy decision.

On January 13, 2014, staff presented three options for the Council to consider as interim measures:

1. A zoning ordinance that does not allow medical marijuana dispensaries to operate;
2. A business license ordinance that does not allow medical marijuana dispensaries to operate; and
3. A municipal code ordinance that does not allow medical marijuana dispensaries to operate by:
 - a. Defining medical marijuana dispensaries and not allowing them to operate as a business
 - b. Recognizing that the City's zoning code does not define marijuana dispensaries as a permitted use; and
 - c. Prohibiting City employees from interpreting the zoning code in a manner that allows marijuana dispensaries as a use.

After discussing each option, the Council directed staff to prepare an ordinance according to option three stated above which would not allow medical marijuana facilities to operate. Council also directed staff to include a sunset clause to provide that the ordinance automatically expire on December 31, 2014. This ordinance would serve as a short-term measure to regulate medical marijuana facilities.

For the long-term, the Council expressed an interest in considering regulating medical marijuana facilities through the City's zoning regulations and prohibiting retail sales of recreational marijuana. Following the Council's action on the ordinance presented at the February 10 Council Meeting, staff will return at a future Council Work Session to discuss the next steps for developing a long-term solution for regulating medical marijuana facilities, information regarding regulating retail sales of recreational marijuana, and a public outreach strategy.

Attachments: Ordinance No. 1368-14
Attachment A-OHA Final Rules

ORDINANCE NO. 1368-14

AN ORDINANCE RELATING TO MEDICAL MARIJUANA FACILITIES; ESTABLISHING NEW TUALATIN MUNICIPAL CODE CHAPTER 9-08; AND DECLARING AN EMERGENCY

WHEREAS, during the 2013 Special Session, the Oregon Legislature passed HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and

WHEREAS, the Oregon Health Authority is charged with formulating administrative rules governing the licensing of medical marijuana facilities; and

WHEREAS, pursuant to Article XI, section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority over the civil affairs of its City; and

WHEREAS, the Tualatin Municipal and Development Codes do not recognize medical marijuana facilities as a permitted use in any zoning district; and

WHEREAS, the City Council believes that the operation of medical marijuana facilities without proper zoning regulations endangers the health, safety, and welfare of its citizens; and

WHEREAS, City Council is interested in preventing medical marijuana facilities from operating in Tualatin until such time as City Council can review and enact adequate zoning regulations;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Section 9-08 is added to Chapter 9 to read as follows:

TMC 9-08-010. Purpose and Intent. The purpose of this Section is to prohibit medical marijuana facilities licensed by the State of Oregon from operating within the City of Tualatin as a temporary measure in order to allow the City Council time to consider and adopt proper zoning regulations for medical marijuana facilities. The State of Oregon is set to grant licenses to medical marijuana facilities in March 2014. The City Council finds that March, 2014, is too soon to provide adequate time to consider the issues related to medical marijuana facilities, seek public input, and adopt proper regulations. Therefore, the City Council is implementing this prohibition to provide time to review the State of Oregon's medical marijuana facilities licensing rules and consider the zoning issues related to the impacts of medical marijuana facilities in the City of Tualatin.

TMC 9-08-020. Definitions. Except where the context specifically requires otherwise, as used in this Chapter, the following words and phrases mean:

(1) "Building" means any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels, or property of any kind.

(2) "Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area.

(3) "Medical marijuana facility" means a medical marijuana facility licensed by the State of Oregon under HB 3460 and/or ORS 475.300-475.346.

(4) "Structure" means anything constructed or erected which is supported directly or indirectly on the earth.

TMC 9-08-030. Prohibited Activities. It is unlawful to establish, operate, use, or to cause or permit the establishment, operation, or use of a medical marijuana facility.

TMC 9-08-040. City Employees Have No Authority to Permit Medical Marijuana Facilities. The use of any building, structure, location, premises, or land for a medical marijuana facility is not currently enumerated in the City of Tualatin Municipal or Development Codes as a permitted use in any zoning district. The City Manager and all city employees do not have authority to determine or permit the use of any building, structure, location, premises, or land as a medical marijuana facility in any zoning district.

TMC 9-08-050. Violations.

(1) A person who violates this Chapter commits a civil infraction and shall be subject to a fine of up to \$500. Each violation, and each day that a violation continues, constitutes a separate civil infraction.

(2) The civil infraction procedures in TMC 7-1 apply to the prosecution of any violation of this Chapter.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 3. Emergency. This ordinance is necessary for the immediate protection

of the public peace, health, safety and welfare and shall take effect immediately upon adoption.

Section 4. Ordinance Automatically Expires. This ordinance automatically expires and is to be deemed repealed at 11:59:59 p.m. on December 31, 2014, unless sooner repealed or extended by City Council ordinance.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Temporary Rules for the Medical Marijuana Dispensary Program

Jan. 15, 2014

These are the temporary rules governing medical marijuana dispensaries in Oregon. They will be in effect through the initial application process in March of 2014. The process to make these rules permanent will begin in February, and will allow for continued public input on the content of the rules. Individuals intending to file an application to register a dispensary should use these rules as a guide. Visit mmj.oregon.gov for more information.

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OREGON ADMINISTRATIVE RULES
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION
CHAPTER 333

DIVISION 8

MEDICAL MARIJUANA

Medical Marijuana Facilities

333-008-1000

Applicability

- (1) A person may not establish, conduct, maintain, manage or operate a facility on or after March 1, 2014, unless the facility has been registered by the Authority under these rules.
 - (2) Nothing in these rules exempts a PRF, an employee of a registered facility, or a registered facility from complying with any other applicable state or local laws.
 - (3) Registration of a facility does not protect a PRF or employees from possible criminal prosecution under federal law.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: ORS 475.314

333-008-1010

Definitions

For the purposes of OAR 333-008-1000 through 333-008-1290 the following definitions apply:

- (1) "Agricultural land" means land that is located within an exclusive farm use zone as that term is described in ORS 215.203.
- (2) "Attended primarily by minors" means that a majority of the students are minors.
- (3) "Authority" means the Oregon Health Authority.
- (4) "Batch" means a quantity of usable marijuana or a number of immature plants transferred at one time to a facility by a person authorized by a patient to transfer usable marijuana to a registered facility.
- (5) "Career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.
- (6) "Conviction" means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- (7)(a) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority.
- (b) "Designated primary caregiver" does not include the person's attending physician.
- (8) "Domicile" means the place of abode of an individual where the person intends to remain and to which, if absent, the individual intends to return.
- (9) "Edible" means a product made with marijuana that is intended for ingestion.

- (10)(a) “Employee” means any person, including aliens, employed for remuneration or under any contract of hire, written or oral, express or implied, by an employer.
- (b) “Employee” does not include a person who volunteers or donates services performed for no remuneration or without expectation or contemplation of remuneration as the adequate consideration for the services performed for a religious or charitable institution or a governmental entity.
- (11) “Facility” means a medical marijuana facility.
- (12) “Farm use” has the meaning given that term in ORS 215.203.
- (13) “Finished product” means a product infused with usable marijuana that is intended for use, ingestion or consumption other than by smoking, including but not limited to edible products, ointments, and tinctures.
- (14) “Grower” has the same meaning as “person responsible for a marijuana grow site.”
- (15) “Grow site” means a specific location registered by the Authority and used by the grower to produce marijuana for medical use by a specific patient.
- (16)(a) “Immature marijuana plant or immature plant” means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter.
- (b) A seedling or start that does not meet all three criteria in subsection (16)(a) is a mature plant.
- (17) “Macroscopic screening” means visual observation without the aid of magnifying lens(es).
- (18) “Microscopic screening” means visual observation with a minimum magnification of 40x.
- (19) “Minor” means an individual under the age of 18.
- (20) “Oregon Medical Marijuana Program or OMMP” means the program operated and administered by the Authority that registers patients, designated primary caregivers, and growers.
- (21) “Patient” has the same meaning as “registry identification cardholder.”
- (22) “Person” means an individual.
- (23) “Person responsible for a marijuana grow site” means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose and has the same meaning as “grower”.
- (24) “Person responsible for a medical marijuana facility or PRF” means an individual who owns, operates, or otherwise has legal responsibility for a facility and who meets the qualifications established in these rules and has been approved by the Authority.
- (25) “Pesticide” means any substance or mixture of substances, intended to prevent, destroy, repel, or mitigate any pest.
- (26) “Premises” means a location registered by the Authority under these rules and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms, including all public and private areas where individuals are permitted to be present.
- (27) “Primary school” means a learning institution containing any combination of grades Kindergarten through 8 or age level equivalent.
- (28) “Random sample” means an amount of usable marijuana taken from a batch in which different fractions of the usable marijuana have an equal probability of being represented.
- (29) “Registry identification cardholder” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

(30) “Remuneration” means compensation resulting from the employer-employee relationship, including wages, salaries, incentive pay, sick pay, compensatory pay, bonuses, commissions, stand-by pay, and tips.

(31) “Resident” means an individual who has a domicile within this state.

(32) “Safe” means a metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered facility that is rendered immobile by being securely anchored to a permanent structure of the building, or a “vault”.

(33) “Secondary school” means a learning institution containing any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

(34) “These rules” means OAR 333-008-1000 through 333-008-1290.

(35) “Usable marijuana” has the meaning given that term is ORS 475.302 and includes “finished product”.

(36) “Valid testing methodology” means a scientifically valid testing methodology described in a published national or international reference and validated by the testing laboratory.

(37) “Vault” means an enclosed area that is constructed of steel-reinforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1020

Application for Medical Marijuana Facility Registration

(1) Beginning on March 3, 2014, at 8:30 a.m. Pacific Standard Time (PST), the Authority shall begin accepting applications for the registration of a facility. An application may be submitted at any time on or after March 3, 2014, at 8:30 a.m., PST.

(2) A PRF wishing to apply to register a facility must provide to the Authority:

(a) An application on a form prescribed by the Authority;

(b) Any additional documentation required by the Authority in accordance with these rules;

(c) The applicable fee as specified in OAR 333-008-1030; and

(d) Information and fingerprints required for a criminal background check in accordance with OAR 333-008-1130.

(3) An application for the registration of a facility must be submitted by a PRF electronically via the Authority’s website, <http://mmj.oregon.gov>. The documentation required in subsection (2)(b) of this rule and the information and fingerprints described in subsection (2)(d) of this rule may be submitted electronically to the Authority or may be mailed but must be postmarked within five calendar days of the date the application was submitted electronically to the Authority or the application will be considered to be incomplete. Applicable fees must be paid online at the time of application.

(4) The Authority must review each application received to ensure the application is complete, that the required documentation has been submitted, and the fee paid. The Authority shall return an incomplete application to the person that submitted the application. A person may re-submit an application that was returned as incomplete at any time.

(5) Applications will be reviewed in the order they are received by the Authority. An application that is returned as incomplete must be treated by the Authority as if it was never received.

(6) A PRF who wishes to register more than one location must submit a separate application and application fee for each location.

(7) At the time of application the PRF will be asked, by the Authority, to sign an authorization permitting the Authority to publish the location of the facility if the facility is registered.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1030

Fees

(1) The initial fees for the registration of a facility are:

(a) A non-refundable application fee of \$500; and

(b) A \$3,500 registration fee.

(2) The annual renewal fees for the registration of a facility are:

(a) A \$500 non-refundable renewal fee; and

(b) A \$3,500 registration fee.

(3) The Authority must return the registration fee if:

(a) An application is returned to the applicant as incomplete;

(b) The Authority denies an application; or

(c) An applicant withdraws an application.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1040

Application Review

(1) Once the Authority has determined that an application is complete it must review the application to determine compliance with ORS 475.314 and these rules.

(2) The Authority may, in its discretion, prior to acting on an application:

(a) Contact the applicant and request additional documentation or information; and

(b) Inspect the premises of the proposed facility.

(3) Prior to making a decision whether to approve or deny an application the Authority must:

(a) Ensure that the criminal background check process has been completed and review the results;

(b) Contact the OMMP and obtain documentation of whether the location of the facility is the same location as a registered grow site under OAR 333-008-0025;

(c) Review available records and information to determine whether the proposed facility is located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school; and

(d) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed facility.

(4) If during the review process the Authority determines that the application or supporting documentation contains intentionally false or misleading information the Authority must return the application to the applicant as incomplete.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1050

Approval of Application

- (1) If the proposed facility appears to be in compliance with ORS 475.314 and these rules, and the PRF has passed the criminal background check and is determined to reside in Oregon, the Authority must notify the applicant in writing that the application has been approved, that the facility is registered, and provide the applicant with proof of registration that includes a unique registration number.
- (2) A facility that has been registered must display proof of registration in a prominent place inside the facility so that proof of registration is easily visible to individuals authorized to transfer usable marijuana and immature plants to the facility and individuals who are authorized to receive a transfer of usable marijuana and immature plants from the facility at all times when usable marijuana or immature plants are being transferred.
- (3) A registered facility may not post any signs at the facility that use the Authority or the OMMP name or logo except to the extent that information is contained on the proof of registration.
- (4) A facility's registration is only valid for the location indicated on the proof of registration and is only issued to the PRF that is listed on the application or subsequently approved by the Authority.
- (5) A facility's registration may not be transferred to another location.
- (6) If a proposed facility appears to be in compliance with ORS 475.314 and these rules except that the proposed facility does not yet have a security system installed and other security requirements in place, the Authority may issue a provisional registration that is valid for 60 days.
 - (a) In order to receive provisional registration a PRF must submit to the Authority at the time of application a floor plan of the facility that has marked and labeled all points of entry to the facility, all secure areas required by these rules and the proposed placement of all video cameras.
 - (b) The provisionally registered facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants until the security system and other security requirements are in place and the Authority has approved the provisionally registered facility to begin operating.
 - (c) When the security system and other security requirements are in place the PRF must notify the Authority and if the Authority determines that the provisionally registered facility is in full compliance with these rules, the Authority must approve the facility for operation.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1060

Denial of Application

- (1) The Authority must deny an application if:
 - (a) An applicant fails to provide sufficient documentation that the proposed facility meets the qualifications for a facility in these rules; or
 - (b) The PRF has been:
 - (A) Convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application was received by the Authority; or
 - (B) Convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or
 - (C) Prohibited by a court from participating in the OMMP.

(2) If the Authority intends to deny an application for registration it must issue a Notice of Proposed Denial in accordance with ORS 183.411 through 183.470.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1070

Expiration and Renewal of Registration

(1) A facility's registration expires one year following the date of application approval.

(2) If a PRF wishes to renew the facility's registration, the person must submit to the Authority within 60 days of the registration's expiration:

(a) An application renewal form prescribed by the Authority;

(b) The required renewal fees;

(c) Forms required for the Authority to do a criminal background check on the PRF.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1080

Notification of Changes

(1) A PRF must notify the Authority within 10 calendar days of any of the following:

(a) The person's conviction for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;

(b) The issuance of a court order that prohibits the person from participating in the OMMP;

(c) A decision to change the PRF;

(d) A decision to permanently close the facility at that location;

(e) A decision to move to a new location;

(f) A change in the person's residency; and

(g) The location of an elementary, secondary or career school attended primarily by minors within 1,000 feet of the facility.

(2) The notification required in section (1) of this rule must include a description of what has changed and any documentation necessary for the Authority to determine whether the facility is still in compliance with ORS 474.314 and these rules including but not limited to, as applicable:

(a) A copy of the criminal judgment or order;

(b) A copy of the court order prohibiting the PRF from participating in the OMMP;

(c) The location of the school that has been identified as being within 1,000 feet of the facility; or

(d) The information required in OAR 333-008-1120 and 333-008-1130 to determine the residency of the new PRF and to perform the criminal background check.

(3) Failure of the PRF to notify the Authority in accordance with this rule may result in revocation of a facility's registration.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1090

Required Closures

A facility may not receive transfers of usable marijuana or immature plants or transfer usable marijuana or immature plants if:

- (1) The PRF is convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II;
 - (2) The PRF changes and the Authority has not:
 - (a) Performed a criminal background check on the proposed PRF in accordance with OAR 333-008-1130;
 - (b) Determined whether the individual is a resident of Oregon; and
 - (c) Provided written approval that the new PRF meets the requirements of ORS 475.314.
 - (3) The PRF has been ordered by the court not to participate in the OMMP; or
 - (4) An elementary, secondary or career school attended primarily by minors is found to be within 1,000 of the registered facility.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1100

Business Qualifications for Medical Marijuana Facility Registration

- (1) A facility must be registered as a business or at the time of applying to register a facility have filed a pending application to register as a business with the Office of the Secretary of State.
 - (2) The Authority may not approve an application until it has verified that the facility is registered as a business with the Office of the Secretary of State.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1110

Locations of Medical Marijuana Facilities

- (1) In order to be registered a facility must be located in an area that is zoned by the local governing agency for commercial, industrial or mixed use or as agricultural land.
- (2) Registration by the Authority is not a guarantee that a facility is permitted to operate under applicable land use or other local government laws where the facility is located.
- (3) A facility may not be located:
 - (a) At the same address as a registered marijuana grow site;
 - (b) Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors; or
 - (c) Within 1,000 feet of another medical marijuana facility;
- (4) In order for the Authority to ensure compliance with this rule a PRF must submit with an initial application documentation that shows the current zoning for the location of the proposed facility.
- (5) For purposes of determining the distance between a facility and a school referenced in subsection (3)(b) of this rule, “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property comprising an existing public or private elementary, secondary or career school primarily attended by minors.
- (6) For purposes of determining the distance between a facility and another registered facility “within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property compromising a registered facility.

(7) In order to be registered a facility must operate at a particular location as specified in the application and may not be mobile.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1120

Person Responsible for a Medical Marijuana Facility (PRF)

(1) A PRF must:

(a) Be a resident of Oregon. Residency may be proved by submitting to the Authority:

(A) An Oregon driver's license, an Oregon identification card that includes a photograph of the person, or a military identification card that includes a photograph of the person; and

(B) Copies of utility bills, rental receipts, mortgage statements or similar documents that contain the name and address of the domicile of the PRF.

(b) Have legal authority to act on behalf of the facility; and

(c) Be responsible for ensuring the facility complies with applicable laws, if registered.

(2) A PRF may not:

(a) Have been convicted in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date of application; or

(b) Have been convicted more than once in any state for the manufacture or delivery of a controlled substance in Schedule I or Schedule II.

(3) At the time of application a PRF must submit to the Authority a copy of the information described in paragraphs (1)(a)(A) and (B) of this rule.

(4) A PRF is accountable for any intentional or unintentional action of its owners, officers, managers, employees or agents, with or without the knowledge of the PRF, who violate ORS 475.314 or these rules.

(5) If a PRF no longer meets the criteria of a PRF the Authority shall inform the PRF and the owner of the facility if different that:

(a) The PRF may no longer serve in that capacity;

(b) In order to remain certified, a change of PRF form must be submitted; and

(c) The facility may not operate until the Authority has approved a new PRF.

(6) If the Authority is notified that a change of PRF is needed, the current PRF is no longer able to serve as the PRF, or the PRF has been or will be removed by the owner of a facility, the owner of the facility must submit a change of PRF form to Authority within 10 business days of the notification or the Authority will begin proceedings to revoke the certification of the facility.

(7) If the PRF of record for the facility is no longer serving in that capacity the facility may not operate until a new PRF has been approved by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1130

Criminal Background Checks

(1) A PRF must, at the time of application, provide to the Authority:

(a) A criminal background check request form, prescribed by the Authority that includes but is not limited to:

(A) First, middle and last name;

(B) Any aliases;

- (C) Date of birth;
 - (D) Driver's license information; and
 - (E) Address and recent residency information.
 - (b) Fingerprints in accordance with the instructions on the Authority's webpage:
<http://mmj.oregon.gov>.
 - (2) The Authority may request that the PRF disclose his or her Social Security Number if notice is provided that:
 - (a) Indicates the disclosure of the Social Security Number is voluntary; and
 - (b) That the Authority requests the Social Security Number solely for the purpose of positively identifying the PRF during the criminal records check process.
 - (3) The Authority shall conduct a criminal records check in order to determine whether the PRF has been convicted of the manufacture or delivery of a controlled substance in Schedule I or Schedule II in any state.
 - (4) The Authority must conduct a criminal background check in accordance with this rule on a PRF every year at the time of application renewal.
 - (5) If a PRF wishes to challenge the accuracy or completeness of information provided by the Department of State Police, the Federal Bureau of Investigation and agencies reporting information to the Department of State Police or Federal Bureau of Investigation, those challenges must be made through the Department of State Police, Federal Bureau of Investigation or reporting agency and not through the contested case process specified in OAR 333-008-1060(2).
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1140

Security for Registered Facilities

- (1) The PRF must ensure that a registered facility complies with OAR 333-008-1140 through 333-008-1180.
- (2) The PRF is responsible for the security of all usable marijuana and immature plants in the registered facility, including providing adequate safeguards against theft or diversion of usable marijuana and immature plants and records that are required to be kept.
- (3) The PRF must ensure that commercial grade, non-residential door locks are installed on every external door at a registered facility prior to opening for business and used while a facility is registered.
- (4) During all hours when the registered facility is open for business, the PRF must ensure that:
 - (a) All usable marijuana and immature plants received and all usable marijuana and immature plants available for transfer to a patient or a designated primary caregiver are kept in a locked, secure area that can only be accessed by authorized personnel.
 - (b) All areas where usable marijuana or immature plants are received for transfer by a registered facility are identified as a restricted access area by posting a sign not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height that reads, "Restricted Access Area – Authorized Personnel Only".
 - (c) All areas where usable marijuana or immature plants are available for transfer to a patient or designated primary caregiver are:

- (A) Identified as a restricted access area and clearly identified by the posting of a sign not less than 12 inches wide and 12 inches long, composed of letters not less than one-half inch in height that reads “Restricted Access Area – No Minors Allowed”;
 - (B) Supervised by the PRF or an employee of the registered facility at all times when a patient or designated primary caregiver is present; and
 - (C) Separate from any area where usable marijuana or immature plants are being transferred to a registered facility.
- (5) During all hours when the registered facility is not open for business the PRF must ensure that:
- (a) All entrances to and exits from the facility are securely locked and any keys or key codes to the facility remain in the possession of the PRF or authorized employees;
 - (b) All usable marijuana is kept in a safe; and
 - (c) All immature plants are in a locked room.
- (6) The PRF must ensure that:
- (a) Electronic records are encrypted, and securely stored to prevent unauthorized access and to ensure confidentiality;
 - (b) There is an electronic back-up system for all electronic records; and
 - (c) All video recordings and archived required records not stored electronically are kept in a locked storage area. Current records may be kept in a locked cupboard or desk outside the locked storage area during hours when the registered facility is open.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1150

Alarm System for Registered Facilities

- (1) Prior to opening for business, a PRF must ensure that a registered facility has a security alarm system, installed by an alarm installation company, on all facility entry or exit points and perimeter windows.
 - (2) At the time of application a PRF must submit to the Authority documentation of the:
 - (a) Alarm system that is installed or proposed for installation;
 - (b) Company that installed the system or plans to install the system;
 - (c) Features of the system that meet the criteria of this rule.
 - (3) A PRF must ensure that the facility is continuously monitored by the alarm system.
 - (4) The security alarm system for the registered facility must:
 - (a) Be able to detect movement inside the registered facility;
 - (b) Be programmed to notify a security company that will notify the PRF or his or her designee in the event of a breach; and
 - (c) Have at least two “panic buttons” located inside the registered facility that are linked with the alarm system.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1160

Video Surveillance Equipment for Registered Facilities

- (1) Prior to opening for business, a PRF must install a fully operational video surveillance recording system.

- (2) At the time of application a PRF must submit to the Authority documentation of the:
 - (a) Video surveillance system that is installed or proposed for installation;
 - (b) Company or person that installed the system or plans to install the system;
 - (c) Features of the system that meet the criteria of this rule.
 - (3) Video surveillance equipment must, at a minimum:
 - (a) Consist of:
 - (A) Digital or network video recorders;
 - (B) Cameras capable of meeting the requirements of OAR 333-008-1170 and this rule;
 - (C) Video monitors;
 - (D) Digital archiving devices; and
 - (E) A color printer capable of producing still photos.
 - (b) Be equipped with a failure notification system that provides prompt notification to the PRF or employees of any prolonged surveillance interruption or failure; and
 - (c) Have sufficient battery backup to support a minimum of one hour of recording time in the event of a power outage.
 - (4) All video surveillance equipment and recordings must be stored in a locked secure area that is accessible only to the PRF, authorized employees of the registered facility and the Authority.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1170

Required Camera Coverage and Camera Placement for Registered Facilities

- (1) A PRF must ensure that a registered facility has camera coverage for:
 - (a) All secure and restricted access areas described in OAR 333-008-1140;
 - (b) All point of sale areas;
 - (c) All points of entry to or exit from secure and restricted access areas; and
 - (d) All points of entry to or exit from the registered facility.
 - (2) A PRF must ensure that camera placement is capable of identifying activity occurring within 15 feet of all points of entry to the registered facility and exit from the registered facility and shall allow for the clear and certain identification of any individual and activities on the facility premises.
- Stat. Auth.: ORS 475.314, 475.338
Stats. Implemented: 475.314

333-008-1180

Video Recording Requirements for Registered Facilities

- (1) The PRF must ensure that all camera views of all secure and restricted access areas and points of entry to or exit from the registered facility are continuously monitored by motion sensor video equipment or similar technology 24 hours a day.
- (2) A PRF must ensure that:
 - (a) All surveillance recordings are kept for a minimum of 30 days and are in a format that can be easily accessed for viewing;
 - (b) The surveillance system has the capability to produce a color still photograph from any camera image;
 - (c) The date and time is embedded on all surveillance recordings without significantly obscuring the picture;

(d) Video recordings are archived in a format that ensures authentication of the recording as a legitimately-captured video and guarantees that no alterations of the recorded image has taken place; and

(e) Video surveillance records and recordings are available upon request to the Authority for the purpose of ensuring compliance with ORS 475.314 and these rules.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1190

Testing

(1) A PRF must ensure that usable marijuana and immature plants are tested for pesticides, mold and mildew in accordance with this rule prior to the usable marijuana or immature plants being transferred to a patient or a designated primary caregiver.

(2) Upon usable marijuana being transferred to a registered facility in accordance with OAR 333-008-1230, the PRF must ensure the usable marijuana is segregated into batches, that each batch is placed in an individual container or bag, and that a label is attached to the container or bag that includes at least the following information:

(a) A unique identifier;

(b) The name of the person who transferred it; and

(c) The date the usable marijuana was received by the registered facility.

(3) Sampling. A PRF must ensure that random samples from each batch are taken in an amount necessary to conduct the applicable test, that the samples are labeled with the batch's unique identifier, and submitted for testing.

(4) Testing. A PRF must ensure that each sample is tested for pesticides, mold, and mildew and for an analysis of the levels of tetrahydrocannabinol (THC) and Cannabidiol (CBD).

(a) Immature Plants. An immature plant may be tested for pesticides, mold or mildew by conducting a macroscopic or microscopic screening to determine if the plant has visible pesticide residue, mold or mildew.

(b) Flowers or other usable marijuana plant material. Usable marijuana in the form of flowers or other plant material must be:

(A) Tested for pesticides, mold and mildew using valid testing methodologies and macroscopic or microscopic screening may not be used;

(B) Tested for pesticides by testing for the following analytes:

(i) Chlorinated Hydrocarbons;

(ii) Organophosphates;

(iii) Carbamates; and

(iv) Pyrethroids; and

(C) Analyzed, using valid testing methodologies, to determine the levels of THC and CBD.

(c) Edibles, Liquids and Solid Extracts. If the usable marijuana used in the edible, liquid or solid extract has been tested in accordance with this rule and tested negative for pesticides, mold or mildew, the edible, liquid or solid extract does not need to be tested for pesticides, mold and mildew but does need to be tested for an analysis of the levels of THC and CBD. If the usable marijuana used in the edible, liquid, or solid extract was not tested in accordance with this rule, the edible, liquid or solid extract must be tested for pesticides, mold or mildew in accordance with subsection (4)(b) of this rule.

(5) Laboratory Requirements. A PRF must ensure that all testing, except for testing of immature plants, is done by a third party or in-house laboratory that:

(a) Uses valid testing methodologies; and

(b) Has a Quality System for testing of pesticides, mold and mildew that is compliant with the:

(A) 2005 International Organization for Standardization 17025 Standard; or

(B) 2009 National Environmental Laboratory Accreditation Conference Institute TNI Standards.

(6) Macroscopic or microscopic screening of immature plants must be conducted by a person who has a minimum of a bachelor's degree in horticulture, botany, plant pathology, microbiology, or an equivalent degree but is not required to be done by a laboratory.

(7) Testing Results. A laboratory must provide testing results to the PRF signed by an official of the laboratory who can attest to the accuracy of the results, and that includes the levels of pesticides, mold or mildew detected and the levels of THC and CBD.

(a) If an immature plant has visible pesticide residue, mold or mildew it must be deemed to test positive and must be returned to the person who transferred the immature plant to the registered facility.

(b) A sample of usable marijuana shall be deemed to test positive for mold and mildew if the sample has levels that exceed the maximum acceptable counts in the Pharmacopeia, Section 1111 (May 1, 2009), incorporated by reference.

(c) A sample of usable marijuana shall be deemed to test positive for pesticides with a detection of more than 0.1 parts per million of any pesticide.

(8) If an immature plant or sample of usable marijuana tests positive for pesticides, mold or mildew based on the standards in this rule the PRF must ensure the entire batch from which the sample was taken is returned to the person who transferred the immature plant or usable marijuana to the registered facility and must document how many or how much was returned, to whom, and the date it was returned.

(9) A registered facility may perform its own testing as long as the testing complies with this rule.

(10) The PRF may permit laboratory personnel or other persons authorized to do testing access to secure or restricted access areas of the registered facility where usable marijuana or immature plants are stored. The PRF must log the date and time in and out of all such persons.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1200

Operation of Registered Facilities

(1) A PRF must ensure that a registered facility does not permit:

(a) A minor to be present in any area of a registered facility where usable marijuana or immature plants are present, even if the minor is a patient or an employee; and

(b) Consumption, ingestion, inhalation or topical application of usable marijuana anywhere on the premises of the registered facility, except that an employee of a registered facility who is a patient may consume usable marijuana during their work shift as necessary for his or her medical condition, in a closed room, alone if the usable marijuana is being smoked, not visible to the public or to patients or caregivers on the premises of the registered facility to receive a transfer of usable marijuana or an immature plant.

(2) A PRF must ensure that a registered facility uses an Oregon Department of Agriculture approved scale to weigh all usable marijuana.

(3) The following persons are the only persons permitted in any area of a registered facility where usable marijuana or immature plants are present, and only in accordance with these rules, as applicable:

- (a) A PRF;
- (b) An owner of a registered facility;
- (c) An employee of the registered facility;
- (d) Laboratory personnel in accordance with OAR 333-008-1190;
- (e) A contractor authorized by the PRF to be on the premises of a registered facility;
- (f) A patient, designated primary caregiver, or growers;
- (g) An authorized employee or authorized contractor of the Authority; and
- (h) Other government officials that have jurisdiction over some aspect of the registered facility or that otherwise have authority to be on the premises of the registered facility.

(4) A PRF must have written detailed policies and procedures and training for employees on the policies and procedures that at a minimum, cover the following:

- (a) Security;
- (b) Testing;
- (c) Transfers of usable marijuana and plants to and from the facility;
- (d) Operation of a registered facility;
- (e) Required record keeping;
- (f) Labeling; and
- (g) Violations and enforcement.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1210

Record Keeping

(1) A PRF must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Authority or accessed by the Authority:

- (a) All Authorization to Transfer forms, including the date on which a form was received;
- (b) Any written notifications from a patient with regard to any change in status as required by ORS 475.309(7)(a)(B) or (10)(a);
- (c) Any revocation of an Authorization to Transfer form;
- (d) All transfer information required in OAR 333-008-1230 and 333-008-1240;
- (e) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage.
- (f) The amount of money paid by a registered facility to a grower for each transfer of usable marijuana or immature plants;
- (g) The amount of money paid by each patient or designated primary caregiver for a transfer of usable marijuana or an immature plant;
- (h) The laboratory reports of all testing and other information required to be documented in OAR 333-008-1190; and
- (i) All other information required to be documented and retained in these rules.

(2) The PRF must ensure that information required to be documented pursuant to section (1) of this rule is maintained in a safe and secure manner that protects the information from unauthorized access, theft, fire, or other destructive forces, and is easily retrievable for inspection by the Authority upon request, either at the registered facility or online.

(3) A PRF must ensure that a registered facility uses an electronic data management system for the recording of transfers of usable marijuana and immature plants. The system must meet the following minimum requirements:

(a) Record the information required to be documented in this rule and OAR 333-008-1230 and 333-008-1240;

(b) Provide for off-site or secondary backup system;

(c) Assign a unique transaction number for each transfer to or from the registered facility;

(d) Monitor date of testing and testing results;

(e) Track products by unique transaction number through the transfer in, testing and transfer out processes;

(f) Generate transaction and other reports requested by the Authority viewable in PDF format;

(g) Produce reports, including but not limited to inventory reports; and

(h) Provide security measures to ensure patient and grower records are kept confidential.

(4) Documents and information required to be maintained in these rules must be retained by the PRF for at least one year.

(5) A PRF must provide the Authority with any documentation required to be maintained in these rules upon request, in the format requested by the Authority, or permit the Authority access to such documentation on-site.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1220

Labeling

(1) Prior to transferring usable marijuana a PRF must ensure that a label is affixed to the usable marijuana that includes but is not limited to:

(a) The amount of THC and CBD in the usable marijuana;

(b) If pre-packaged, the weight or volume of the packaged usable marijuana in metric units;

(c) The amount of usable marijuana in a finished product in metric units;

(d) Potency information; and

(e) Who performed the testing.

(2) If the registered facility transfers usable marijuana in a form that is edible, the PRF must ensure that the usable marijuana has a warning label on the outside of the packaging that includes the following: “WARNING: MEDICINAL PRODUCT – KEEP OUT OF REACH OF CHILDREN” in bold capital letters, in a font size that is larger than the type-size of the other printing on the label such that it is easy to read and prominently displayed on the product.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: 475.314

333-008-1230

Transfers to a Registered Facility

(1) A patient may authorize usable marijuana or immature marijuana plants to be transferred to a registered facility by signing an Authorization to Transfer form prescribed by the Authority. A

patient may authorize transfers to more than one registered facility. A separate form must be provided for each registered facility. The Authorization must include, but is not limited to, the following information:

- (a) The patient's name, OMMP card number and expiration date and contact information;
 - (b) The name and contact information of the individual who is authorized to transfer the usable marijuana or immature marijuana plants to the registered facility and that individual's OMMP card number and expiration date;
 - (c) The name and address of the registered facility that is authorized to receive the usable marijuana or immature marijuana plants; and
 - (d) The date the authorization expires, if earlier than the expiration date of the patient's OMMP card.
- (2) Only a patient, the patient's designated primary caregiver, or the patient's grower may be authorized to transfer usable marijuana or immature plants to a registered facility.
- (3) The original Authorization to Transfer form must be provided to the registered facility to which a transfer may be made by the patient or person authorized to transfer the usable marijuana or immature plants. The patient should retain a copy of the Authorization to Transfer form for his or her records and provide a copy to the person authorized to transfer the usable marijuana or immature plants.
- (4) An Authorization to Transfer form automatically expires on the date the patient's OMMP card expires, unless the patient has specified an earlier expiration date. If the patient renews his or her OMMP card the patient may execute a new Authorization to Transfer form in accordance with this rule.
- (5) Once usable marijuana or an immature plant is transferred to a registered facility pursuant to a valid Authorization to Transfer form, the usable marijuana or immature plant is no longer the property of the patient unless the usable marijuana or immature plants are returned by the registered facility.
- (6) Prior to a registered facility accepting a transfer of usable marijuana or immature plants the PRF must ensure that:
- (a) It has a valid Authorization to Transfer form on file that authorizes the individual that is transferring the usable marijuana or immature plants to make the transfer; and
 - (b) The individual transferring the usable marijuana or immature plants is the individual authorized to make the transfer.
- (7) A PRF must ensure that when a registered facility accepts a transfer of usable marijuana or an immature plant the batch of usable marijuana and each immature plant are segregated in accordance with the testing rule, OAR 333-008-1190 and that the following information is documented, as applicable:
- (a) The unique identifier;
 - (b) The weight in metric units of all usable marijuana received by the registered facility;
 - (c) The number of immature plants received by the registered facility;
 - (d) The amount of a finished product received by the registered facility, including, as applicable, the weight in metric units, or the number of units of a finished product;
 - (e) A description of the form the usable marijuana was in when it was received, for example, oil or an edible product;
 - (f) Who transferred the usable marijuana or the immature plant, the individual's OMMP card number and expiration date of the card, a copy of the individual's picture identification, the date

the usable marijuana or an immature plant was received, and the name of the patient who authorized the transfer; and

(g) The amount of reimbursement paid by the registered facility.

(8) Nothing in these rules requires a PRF or a registered facility to accept a transfer of usable marijuana or immature plants.

(9) A PRF must ensure that:

(a) From the time that a batch or plant has been received by the registered facility until it is tested in accordance with these rules, the usable marijuana and immature plants are segregated, withheld from use, and kept in a secure location so as to prevent the marijuana or plants from becoming contaminated or losing efficacy, or from being tampered with or transferred except that samples may be removed for testing; and

(b) No usable marijuana or immature plants are transferred to a patient or designated primary caregiver until testing has been completed, the registered facility has received a written testing report, and the usable marijuana and immature plants have tested negative for pesticides, mold and mildew.

(10) Usable marijuana and immature plants must be kept on-site at the facility. The Authority may cite a PRF for a violation of these rules if during an inspection it cannot account for its inventory or if the amount of usable marijuana at the registered facility is not within five percent of the documented inventory.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1240

Transfers to a Patient or Designated Primary Caregiver

(1) Prior to a registered facility transferring usable marijuana or an immature plant to a patient or a designated primary caregiver the PRF must ensure that:

(a) The usable marijuana or an immature plant has not tested positive for mold, mildew or pesticides as specified in OAR 333-008-1190; and

(b) The identity and cardholder status of the person requesting usable marijuana or an immature plant is verified by viewing the person's OMMP card and picture identification and making sure the two match.

(2) The PRF must ensure that for each transfer of usable marijuana or an immature plant to a patient or a designated primary caregiver the following information is documented:

(a) The name, OMMP card number and expiration date of the card of each person to whom the registered facility transfers usable marijuana or an immature plant;

(b) A copy of the person's picture identification;

(c) The amount of usable marijuana transferred in metric units, if applicable;

(d) The number of immature plants transferred, if applicable;

(e) The amount of a finished product transferred in metric units, or units of the finished product, if applicable;

(f) A description of what was transferred;

(g) The date of the transfer; and

(h) The amount of money paid by a patient or a designated primary caregiver to a registered facility for the transfer of usable marijuana or an immature plant.

(3) The PRF must ensure that a registered facility does not transfer at any one time more usable marijuana or immature plants than a patient or designated primary caregiver is permitted to

possess under ORS 475.320(1)(a). A PRF is not responsible for determining whether a patient or designated primary caregiver is limited in the amount of usable marijuana he or she can possess under ORS 475.320(1)(b).

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1250

Inspections

(1) The Authority must conduct an initial inspection of every registered facility within six months of approving an application to ensure compliance with these rules, and must conduct a routine inspection of every registered facility at least every year.

(2) The Authority may conduct a complaint inspection at any time following the receipt of a complaint that alleges a registered facility is in violation of ORS 475.314 or these rules.

(3) The Authority may conduct an inspection at any time if it believes, for any reason, that a registered facility or a PRF is in violation of ORS 475.314 or these rules.

(4) A PRF and any employees, contractors, or other individuals working at a registered facility must cooperate with the Authority during an inspection.

(5) If an individual at a registered facility fails to permit the Authority to conduct an inspection the Authority may seek an administrative warrant authorizing the inspection pursuant to ORS 431.262.

Stat. Auth.: ORS 431.262, 475.314, 475.338

Stats. Implemented: ORS 431.262, 475.314

333-008-1260

Violations

(1) A registered facility is in violation of ORS 475.314 or these rules for:

(a) A PRF or an employee of a facility failing to cooperate with an inspection;

(b) The submission by a PRF of false or misleading information to the Authority in support of an application or in seeking to retain registration;

(c) Transferring usable marijuana or immature plants to an individual who is not a patient or a designated primary caregiver;

(d) Accepting a transfer of usable marijuana or immature plants without a valid authorization from the patient;

(e) Possessing a mature marijuana plant at the registered facility;

(f) Failing to document and maintain information in the manner required by these rules;

(g) Failing to account for usable marijuana or immature plants on the premises of the registered facility, taking into account a five percent loss;

(g) Failing to submit a plan of correction in accordance with OAR 333-008-1270;

(h) Failing to comply with a final order of the Authority, including failing to pay a civil penalty; or

(i) Failing to comply with ORS 475.314 or any of these rules.

(2) It is a violation of ORS 475.314 and these rules to operate a facility without being registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

333-008-1270

Enforcement

- (1)(a) Informal Enforcement. If, during an inspection the Authority documents violations of ORS 475.314 or any of these rules, the Authority may issue a written Notice of Violation to the PRF that cites the laws alleged to have been violated and the facts supporting the allegations.
- (b) The PRF must submit to the Authority a signed plan of correction within 10 business days from the date the Notice of Violation was mailed to the person. A signed plan of correction will not be used by the Authority as an admission of the violations alleged in the Notice.
- (c) A PRF must correct all deficiencies within 10 days from the date of the Notice, unless an extension of time is requested from the Authority. A request for such an extension shall be submitted in writing and must accompany the plan of correction.
- (d) The Authority must determine if a written plan of correction is acceptable. If the plan of correction is not acceptable to the Authority it must notify the PRF in writing and request that the plan of correction be modified and resubmitted no later than 10 working days from the date the letter of non-acceptance was mailed.
- (e) If the registered facility does not come into compliance by the date of correction reflected on the plan of correction, the Authority may propose to revoke the registration of the facility or impose civil penalties.
- (f) The Authority may conduct an inspection at any time to determine whether a registered facility has corrected the deficiencies in a Notice of Violation.
- (2) Formal Enforcement. If, during an inspection or based on other information the Authority determines that a registered facility or PRF is in violation of ORS 475.314 or these rules the Authority may issue:
- (a) A Notice of Proposed Revocation in accordance with ORS 183.411 through 183.470; or
- (b) A Notice of Imposition of Civil Penalties in accordance with ORS 183.745. Civil penalties may be issued for any violation of ORS 475.314 and these rules, not to exceed \$500 per violation per day.
- (3) The Authority must determine whether to use the informal or formal enforcement process based on the nature of the alleged violations, whether there are mitigating or aggravating factors, and whether the PRF or the registered facility has a history of violations.
- (4) The Authority must issue a Notice of Proposed Revocation if the:
- (a) Facility no longer meets the criteria in ORS 475.314(3)(a) to (d); or
- (b) PRF is not a resident of Oregon, has disqualifying criminal convictions as described in OAR 333-008-1120, or a court has issued an order that prohibits the PRF from participating in the OMMP under ORS 475.300 through 475.346 unless a new PRF is approved by the Authority.
- (5) The Authority may maintain a civil action against a facility that is operating but not registered in accordance with ORS 475.314 and these rules.
- (6) The Authority must post a final order revoking the registration of a facility on the Authority's website and provide a copy of the final order to the OMMP.
- (7) To the extent permitted by law, if the Authority discovers violations that may constitute criminal conduct or conduct that is in violation of laws within the jurisdiction of other state or local governmental entities, the Authority may refer the matter to the applicable agency.
- (8) If the registration of a facility is revoked the PRF must make arrangements to return the usable marijuana and immature plants in amounts still possessed by the facility, to the person who transferred the usable marijuana or immature plants and must document the same.

Stat. Auth.: ORS 431.262, 475.314, 475.338

Stats. Implemented: ORS 431.262, 475.314

333-008-1280

Confidentiality

- (1) Any criminal background information received by the Authority about a PRF during the criminal background check process is confidential and is not subject to disclosure without a court order.
- (2) The name of a PRF and the address of a registered facility is confidential and is not subject to disclosure without a court order, except as provided in section (5) of this rule, or unless a PRF has authorized disclosure.
- (3) If an application has been denied, the information submitted to the Authority in an application for registration of a facility is not confidential and may be subject to disclosure under ORS 192.410 through 192.505.
- (4) A final order revoking the registration of a facility is not confidential and may be posted on the Authority's website or otherwise made public by the Authority.
- (5) Authorized employees of state and local law enforcement agencies may verify with the Authority at all times whether:
 - (a) A location is the location of a registered facility; or
 - (b) A person is listed as the PRF of a registered facility.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314, 475.331

333-008-1290

Change of Location

- (1) A registered facility that changes location must submit a new application that complies with OAR 333-008-1020.
- (2) A facility may not operate at a new location unless it is registered by the Authority.

Stat. Auth.: ORS 475.314, 475.338

Stats. Implemented: ORS 475.314

**Oregon Medical Marijuana Program proposed revised rules
333-008-0010**

Definitions

For the purposes of OAR 333-008-0000 through 333-008-0120, the following definitions apply:

- (1) "Act" means the Oregon Medical Marijuana Act.
- (2) "Applicant" means a person applying for an Oregon Medical Marijuana registry identification card on a form prescribed by the Authority.
- (3) "Attending physician" means a Doctor of Medicine (MD) or Doctor of Osteopathy (DO), licensed under ORS chapter 677, who has primary responsibility for the care and treatment of a person diagnosed with a debilitating medical condition.
- (4) "Authority" means the Oregon Health Authority.
- (5) "Debilitating medical condition" means:
 - (a) Cancer, glaucoma, agitation incident to Alzheimer's disease, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, or a side effect related to the treatment of these medical conditions;
 - (b) A medical condition or treatment for a medical condition that produces, for a specific patient, one or more of the following:
 - (A) Cachexia;
 - (B) Severe pain;
 - (C) Severe nausea;
 - (D) Seizures, including but not limited to seizures caused by epilepsy; or
 - (E) Persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis;
 - (c) Post-traumatic stress disorder; or
 - (d) Any other medical condition or side effect related to the treatment of a medical condition adopted by the Authority by rule or approved by the Authority pursuant to a petition submitted under OAR 333-008-0090.
- (6) "Delivery" means the actual, constructive or attempted transfer, other than by administering or dispensing, from one person to another of a controlled substance, whether or not there is an agency relationship, but does not include transfer of marijuana from one patient to another patient if no consideration is paid for the transfer.
- (7) "Designated primary caregiver" means an individual 18 years of age or older who has significant responsibility for managing the well-being of a person who has been diagnosed with a debilitating medical condition and who is designated as such on that person's application for a registry identification card or in other written notification to the Authority. "Designated primary caregiver" does not include the person's attending physician.
- (8) "Food stamps" means the Supplemental Nutrition Assistance Program as defined and governed by ORS 411.806 through 411.845.
- (9) "Grow site" means a specific location registered by the Authority used by the grower to produce marijuana for medical use by a specific patient.
- (10) "Grow site registration card" means the card issued to the patient and displayed at the grow site.
- (11) "Grower" has the same meaning as "person responsible for a marijuana grow site."
- (12) "Immature plant" has the same meaning as "seedling or start."
- (13) "Marijuana" means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt,

derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(14) "Mature plant" means a marijuana plant that does not fall within the definition of a seedling or a start.

(15) "Medical marijuana facility" is a facility, registered by the Authority, under OAR 333-008-1050.

(16) "Medical use of marijuana" means the production, possession, delivery, or administration of marijuana, or paraphernalia used to administer marijuana, as necessary for the exclusive benefit of a person to mitigate the symptoms or effects of his or her debilitating medical condition.

(17) "Oregon Health Plan (OHP)" means the medical assistance program administered by the Authority under ORS chapter 414.

(18) "OMMP" refers to the office within the Authority that administers the provisions of the OMMA, and all policies and procedures pertaining thereto, as set forth in these rules.

(19) "Parent or legal guardian" means the custodial parent or legal guardian with responsibility for health care decisions for the person under 18 years of age.

(20) "Patient" has the same meaning as "registry identification cardholder."

(21) "Person responsible for a marijuana grow site" means a person who has been selected by a patient to produce medical marijuana for the patient, and who has been registered by the Authority for this purpose.

(22) "Person responsible for a medical marijuana facility" has the meaning given that term in OAR 333-008-1010.

(23) "Primary responsibility" as that term is used in relation to an attending physician means that the physician:

(a) Provides primary health care to the patient; or

(b) Provides medical specialty care and treatment to the patient as recognized by the American Board of Medical Specialties; or

(c) Is a consultant who has been asked to examine and treat the patient by the patient's primary care physician licensed under ORS chapter 677, the patient's physician assistant licensed under ORS chapter 677, or the patient's nurse practitioner licensed under ORS chapter 678; and,

(d) Has reviewed a patient's medical records at the patient's request and has conducted a thorough physical examination of the patient, has provided or planned follow-up care, and has documented these activities in the patient's medical record.

(24) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(25) "Registry identification card" means a document issued by the Authority that identifies a person authorized to engage in the medical use of marijuana, and the person's designated primary caregiver, if any.

(26) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Authority.

- | (275) "Replacement registry identification card" means a new card issued in the event that a registry identification cardholder's card, designated primary caregiver identification card, grower identification card, or grow site registration card is lost or stolen, or if a registry identification cardholder's designation of primary caregiver, grower, or grow site has changed.
- | (286) "Seedling or start" means a marijuana plant that has no flowers, is less than 12 inches in height, and less than 12 inches in diameter. A seedling or start that does not meet all three criteria shall be considered a mature plant.
- | (297) "Supplemental Security Income (SSI)" means the monthly benefit assistance program administered by the federal government for persons who are age 65 or older, or blind, or disabled and who have limited income and financial resources.
- | (3028) "Usable marijuana" means the dried leaves and flowers of the plant Cannabis family Moraceae and any mixture or preparation thereof, that are appropriate for medical use. "Usable marijuana" does not include the seeds, stalks and roots of the plant.
- | (3129) "Written documentation" means a statement signed and dated by the attending physician of a person diagnosed with a debilitating medical condition or copies of the person's relevant medical records, maintained in accordance with standard medical record practices.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0020

New Registration Application and Verification

(1) A person may apply for a registry identification card on forms prescribed by the Authority. In order for an application to be considered complete, an applicant must submit the following:

- (a) An application form signed and dated by the applicant;
- (b) Copies of legible and valid U.S. state or federal issued photographic identification that includes last name, first name, and date of birth from the applicant, the designated primary caregiver, and grower, as applicable. Acceptable forms of current U.S. state or federal issued photographic identification include but are not limited to:

- (A) Driver's license;
- (B) State identification card;
- (C) Passport; or
- (D) Military identification card.

(c) Written documentation, which may consist of relevant portions of the applicant's medical record, signed by the applicant's attending physician within 90 days of the date of receipt by the Authority, which describes the applicant's debilitating medical condition and states that the use of marijuana may mitigate the symptoms or effects of the applicant's debilitating medical condition;

(d) If applicable, a completed and notarized "Declaration of Person Responsible for Minor" form for any person under 18 years of age, signed and dated by the person responsible for the minor;

(e) The name of a designated primary caregiver, if any;

(f) ~~and one~~ The name of a designated grower (either the patient or another person), if any and the location of the grow site; and

(g) An application fee and grow site registration fee, if applicable, in the form of cash, bank check, money order, or personal check.

(2) The Authority shall process an application prior to issuing registry identification cards to assure that the application is complete and information provided has been verified.

- (a) The Authority shall only accept applications that are mailed or are hand-delivered.
- (b) If an applicant does not provide all the information required and the application is considered incomplete, the Authority shall notify the applicant of the information that is missing, and shall allow the applicant 14 days to submit the missing information.
- (c) If an applicant does not provide the information necessary to declare an application complete, or to complete the verification process within the timelines established in subsections (2)(b) and (3)(e) of this rule, the application shall be rejected as incomplete. An applicant whose application is rejected as incomplete may reapply at any time. If an applicant submits an application fee and the application is subsequently denied or rejected, the application fee may be applied toward a new application submitted within one year of the denial or rejection date.
- (d) The Authority may reject an application if the application or supporting documents appear to be altered (for example, writing is whited out). An application shall be denied in accordance with OAR 333-008-0030 if an application or supporting documents are determined to have been falsified.
- (e) The Authority may verify information on each application and accompanying documentation, including:
 - (A) Contacting each applicant by telephone or by mail. If proof of identity is uncertain, the Authority may require a face-to-face meeting and may require the production of additional identification materials;
 - (B) Contacting a minor's parent or legal guardian;
 - (C) Contacting the Oregon Medical Board to verify that an attending physician is licensed to practice in the state and is in good standing;
 - (D) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Authority shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application. If the Authority is unable to verify that the applicant's attending physician meets the definition under OAR 333-008-0010(3) the applicant will be allowed 30 days to submit written documentation or a new attending physician's declaration from a physician meeting the requirements of these rules. Failure to submit the required attending physician documentation is grounds for denial under ORS 475.309 and OAR 333-008-0030;
 - (E) Contacting the Division of Medical Assistance Programs, Department of Human Services-Self Sufficiency, or the Social Security Administration (SSA) to verify eligibility for benefits; and
 - (F) Conducting a criminal records check under ORS 181.534 of any person whose name is submitted as a grower.
- (3) Application fees.
 - (a) A non-refundable application fee of \$200 is required at the time of application.
 - (b) If applicable as specified in OAR 333-008-0025, a non-refundable grow site registration fee of \$50 is required at the time of application.
 - (c) An applicant who can demonstrate current receipt of SSI benefits, current eligibility for OHP benefits or current receipt of food stamp benefits through the Oregon SNAP program qualifies for a reduced non-refundable application fee.
 - (A) An applicant demonstrating receipt of SSI benefits by providing a copy of a current monthly SSI benefit card showing dates of coverage is entitled to a reduced application fee of \$20.

(B) An applicant demonstrating current eligibility for OHP benefits by providing a copy of the applicant's current eligibility statement is entitled to a reduced application fee of \$50.

(C) An applicant demonstrating receipt of current food stamp benefits, verified by enrollment in Oregon's Food Stamp Management Information System database system and by providing current proof of his or her food stamp benefits, is entitled to a reduced application fee of \$60.

(d) The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(e) The Authority shall notify an applicant who submits a reduced application fee for which the applicant is not eligible and will allow the applicant 14 days from the date of notice to pay the correct application fee and submit a current valid proof of eligibility.

(f) The application fees established in paragraphs (3)(c)(B) and (C) of this rule are effective for applications received on or after October 1, 2013.

(4) The application forms referenced in this rule may be obtained by contacting the Oregon Medical Marijuana Program (OMMP) at PO Box 14450, Portland, OR 97293-0450 or by calling 971-673-1234.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0025

Marijuana Grow Site Registration

(1) A patient ~~must~~ may register a marijuana grow site with the Authority. The address of a medical marijuana facility may not be listed by a patient on the grow site application as the location of the marijuana grow site. The Authority will register only one grow site per patient, and will only register grow sites in Oregon.

(2) To register a marijuana grow site, an applicant or patient must submit to the Authority an application, prescribed by the Authority, that includes:

(a) The name of the grower;

(b) The date of birth of the grower;

(c) The physical address of the marijuana grow site where marijuana is to be produced;

(d) The mailing address of the grower;

(e) The registry identification card number of the patient, if known, for whom the marijuana is being produced; and

(f) A non-refundable grow site registration fee of \$50 in the form of cash, bank check, money order, or personal check. If the grower is the applicant, he or she is not required to pay the grow site registration fee. The Authority shall place a 10-day hold on the issuance of a registry identification card for an application accompanied by a personal check. Upon receipt by the Authority of a notice of non-sufficient funds (NSF) or stop payment, an applicant will be allowed 14 days to submit payment in the form of a bank check or cash. Application fees paid in the form of cash must be hand-delivered. Applicants are advised not to make payments in cash through the United States mail or private delivery services. The Authority will not accept responsibility for payments of cash that are lost in the mail or stolen in transit.

(3) The Authority shall conduct a criminal background check on the grower as authorized under ORS 475.304.

(a) A person convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offense occurred on or after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder for five years from the date of conviction.

(b) A person convicted more than once of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, if the offenses occurred after January 1, 2006, may not be issued a marijuana grow site registration card or produce marijuana for a registry identification cardholder.

(c) The Authority shall notify a patient by certified mail that the grower is ineligible and the patient will be allowed the opportunity to identify another grower.

(4) The Authority shall issue a marijuana grow site registration card to a patient who has met the requirements of section (2) of this rule, unless the grower is disqualified under section (3) of this rule.

(5) A grower must display a marijuana grow site registration card for each patient for whom marijuana is being produced, at the marijuana grow site at all times.

(6) All usable marijuana, plants, seedlings and seeds, associated with the production of marijuana for a patient by a grower, are the property of the patient and must be provided to the patient, or, if the marijuana is usable marijuana or an immature marijuana plant, transferred to a registered medical marijuana facility, upon request.

(7) All marijuana produced for a patient must be provided to the patient or designated primary caregiver when the grower ceases producing marijuana for the patient.

(8) A grower must return the grow site registration card to the patient to whom the card was issued when requested to do so by the patient or when the grower ceases producing marijuana for the patient.

(9) A patient or the designated primary caregiver of the patient may reimburse the grower for the costs of supplies and utilities associated with production of marijuana for patient. No other costs associated with the production of marijuana for the patient, including the cost of labor, may be reimbursed.

(10) A grower may produce marijuana for no more than four patients or designated primary caregivers concurrently.

(11) The Authority may not register a grow site if the location of the grow site is the same location as a medical marijuana facility.

Stat.Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0045

Interim Changes

(1) A patient shall notify the Authority within 30 calendar days of any change in the patient's name, address, telephone number, attending physician, designated primary caregiver, grower or grow site address.

(2) A patient shall notify, as applicable, the designated primary caregiver, ~~and~~ the grower, and the person responsible for a medical marijuana facility of any changes in status including, but not limited to:

- (a) The assignment of another individual as the designated primary caregiver for the patient;
 - (b) The assignment of another individual as a grower for the patient;
 - (c) ~~The revocation of an Authorization to Transfer form under OAR 333-008-1230;~~ or
 - (d) The end of eligibility of the patient to hold a registry identification card.
 - (3) If the Authority is notified by the patient that a designated primary caregiver or a grower has changed, the Authority shall notify the designated primary caregiver or the grower by mail at the address of record confirming the change in status and informing the caregiver or grower that their card is no longer valid and must be returned to the Authority within seven calendar days.
 - (4) A patient who has been diagnosed by an attending physician as no longer having a debilitating medical condition or whose attending physician has determined that the medical use of marijuana is contraindicated for the patient's debilitating medical condition shall return the registry identification card and all associated OMMP cards to the Authority within 30 calendar days of notification of the diagnosis or notification of the contraindication. If, due to circumstances beyond control of the patient he or she is unable to obtain a second medical opinion about the patient's continuing eligibility to use medical marijuana before the 30-day period has expired, the Authority may grant the patient additional time to obtain a second opinion before requiring the patient to return the registry identification card and all associated cards.
 - (5) Change forms may only be submitted to the Authority via mail or in person at the OMMP office.
 - (6) If a patient's designated primary caregiver, grower or grow site has changed, the non-refundable fee to receive a replacement card is \$100. If the patient qualifies for the reduced application fee of \$20, the non-refundable fee to receive a replacement card is \$20.
 - (7) If a patient is registering a new grow site at any time other than when submitting a new application or a renewal application, a grow site registration fee will not be charged.
- Stat. Auth.: ORS 475.309 & 475.312
Stats. Implemented: ORS 475.309 & 475.312

333-008-0050

Confidentiality

- (1) The Authority shall create and maintain either paper or computer data files of patients, designated primary caregivers, growers, and grow site addresses. The data files shall include all information collected on the application forms or equivalent information from other written documentation, plus a copy of OMMP registry identification cards, effective date, date of issue, and expiration date. Except as provided in section (2) of this rule, the names and identifying information of registry identification cardholders and the name and identifying information of a pending applicant for a card, a designated primary caregiver, a grower, and a marijuana grow site location, shall be confidential and not subject to public disclosure.
- (2) Names and other identifying information made confidential under section (1) of this rule may be released to:
 - (a) Authorized employees of the Authority as necessary to perform official duties of the Authority, including the production of any reports of aggregate (i.e., non-identifying) data or statistics;
 - (b) Authorized employees of state or local law enforcement agencies when they provide a specific name or address. Information will be supplied only as necessary to verify:
- (A) That a person is or was a lawful possessor of a registry identification card;

(B) That a person is or was a person responsible for a registered medical marijuana facility;

~~(B)(C)~~ (C) That the address is or was a documented grow site, and how many people are authorized to grow at that grow site; or

(D) How many people a person was or is authorized to grow for; or

(E) That an address is or was the location of a registered medical marijuana facility.

(c) Other persons (such as, but not limited to, employers, lawyers, family members) upon receipt of a properly executed release of information signed by the patient, the patient's parent or legal guardian, designated primary caregiver or grower. The release of information must specify what information the Authority is authorized to release and to whom.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 - 475.346

333-008-0120

System to Allow Verification of Data at All Times

(1) The Authority shall establish an interactive method to allow authorized employees of state and local law enforcement agencies to use the Oregon State Police Law Enforcement Data System (LEDS) to query an OMMP data file in order to verify at any time whether a particular patient, designated primary caregiver, grower, person responsible for a medical marijuana facility, grow site location, or medical marijuana facility is listed or registered with the Authority.

(2) LEDS access will only allow a yes or no answer to the query and the information obtained may not be used for any other purpose other than verification.

(3) The Authority may allow the release of reports related to verification if it is without identifying data.

(4) The Authority shall have staff available by phone to verify law enforcement agency employee questions during regular business hours in case the electronic verification system is down, and in the event the system is expected to be down for more than two business days, the Authority shall ensure program staff are available by phone for verification purposes.

Stat. Auth.: ORS 475.338

Stats. Implemented: ORS 475.300 – 475.346